

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY**

**NOVEMBER 17, 2006**

**AMERITEL INN SPECTRUM  
BOISE, IDAHO**

Chairman Kitty Gurnsey called the meeting to order at 8:00 A.M. In attendance were board members Dwayne Sheffler R.Ph., Mike Merrill R.Ph., Berkley Fraser R.Ph. and Richard Jones R.Ph. Also in attendance were Richard Markuson, Executive Director, Cheri Bush, Deputy Attorney General, Mike McPeek, Deputy Attorney General, Soo Kang, Deputy Attorney General, Fred Collings, Senior Investigator and Jan Atkinson, Senior Compliance Officer.

Dwayne Sheffler motioned to approve the minutes from the August 6, 2006 board meeting as written. Richard Jones seconded the motion. Motion unanimously carried.

Regarding the Notice of Hearing for pharmacist Kimberly Jean Anton; in order to have adequate time to prepare for hearing Ms. Anton's attorney requested that the hearing date be vacated. The board agreed to vacate Ms. Anton's hearing and reschedule later.

Regarding the proposed Stipulation and Order for pharmacist Alan Bell; the board agreed to reduce Mr. Bell's random UA testing per year from twenty-four (24) to twelve (12) and also remove the limit of a forty (40) hour work week as had been previously stipulated. Dwayne Sheffler motioned to accept the modified Stipulation and Order. Mike Merrill seconded the motion. Motion unanimously carried.

Regarding the proposed Stipulation and Order for pharmacist Charles Davis; Richard Jones made a motion to accept the Stipulation and Order as written and acknowledged August 29, 2006 as the signature date for determining Mr. Davis's nine month restriction to apply to the board for reinstatement. Berk Fraser seconded the motion. Motion unanimously carried.

Regarding the proposed Stipulation and Order for nurse practitioner Brian J. Decker; Richard Jones made a motion to accept the Stipulation as written. Dwayne Sheffler seconded the motion. Motion unanimously carried.

Regarding the proposed Stipulation and Order for dentist Robert E. Digrazia; Mike Merrill made a motion to accept the Stipulation as written. Berk Fraser seconded the motion. Motion unanimously carried.

Regarding the proposed Stipulation and Order for pharmacist David Parsons; Richard Jones made a motion to accept the Stipulation as written. Berk Fraser seconded the motion. Motion unanimously carried.

Before the scheduled hearing for Farm City Animal Supply, Deputy Attorney General Mike McPeek requested that the Board go into Executive Session. At 10:34 A.M. Richard Jones made a motion to go into Executive Session for matters concerning exempt public records. Dwayne Sheffler seconded the motion. Motion passed. At 11:00 A.M. Kitty Gurnsey moved to come out of Executive Session. Berk Fraser seconded the motion. Motion passed.

Following the hearing for Farm City Animal Supply, the board assessed Farm City an administrative fine of \$500.00 for the multiple sales of legend drugs to a nonregistrant. In addition Farm City must pay all investigational costs as will be determined by board staff.

Following the hearing for pharmacy technician Debra Kaufman, the board took the matter under advisement to be decided later in the meeting.

Dwayne Sheffler discussed the matter of Tech ck Tech as previously presented by Larry Munkelt, Pharmacy Director for Saint Alphonsus RMC. The board suggested that Mr. Munkelt and Saint Alphonsus proceed by submitting a proposal to the board for a temporary rule, detailing specific training requirements and review procedures for the technicians that would be part of the Tech ck Tech program.

Dr. William Jonakin representing the Idaho Physicians Network presented the board with an update on the e-prescribing program being currently utilized by member practitioners. The Idaho Physicians Network requested that the board provide an updated position paper on e-prescribing to assist the practitioners.

Regarding pharmacy technician Sara Henrichs request to have her technician registration reinstated; the board recommended that Deputy Attorney General Soo Kang enter into a standard Stipulation and Order with Ms. Henrichs before the board considers her request for reinstatement. Berk Fraser made a motion to require a Stipulation and Order, which will include the requirements necessary for Ms. Henrichs to be considered for possible reinstatement. Mike Merrill seconded the motion. Motion unanimously carried.

Susanne Hiland, representing Wal-Mart Inc, explained two separate technology programs that Wal-Mart is currently unveiling. The Central Processing Concept utilizes a common database that allows Wal-Mart and Sam's Club Pharmacies to securely share prescription information. The board determined that current Idaho pharmacy rules and statutes did not prohibit central processing in Idaho pharmacies. The utilization of APM or a "will-call" kiosk for self check out of finished, refill prescriptions will require further review and a legal interpretation. Ms. Hiland requested that a written interpretation stating the board's legal opinion be sent to Wal-Mart. Mike Merrill made a motion for Mr. McPeck to review the matter and submit his written opinion regarding the APM technology presented by Wal-Mart. Berk Fraser seconded the motion. Motion unanimously carried.

Guy Andrews, representing the Community Family Clinic, requested guidance regarding the prescription blanks they currently use in the clinic that have a map to Prescription Center Pharmacy printed on the reverse side of the blanks. The board recommended the removal of the map due to questions and concerns over unfair advertising in favor of that specific pharmacy.

Lis Houchen, representing NACDS, voiced concerns regarding the Board of Pharmacy's temporary rule on requirements for positive ID when a controlled substance prescription is dispensed. NACDS members are concerned over what they perceive to be regulatory burdens and costs that pharmacies will incur from the Board's proposed rule requiring pharmacies to maintain a prescription record for all controlled substance prescriptions. Ms. Houchen indicated that NACDS believes a less arduous means to accomplish law enforcement intervention should be considered.

Board Chairman Kitty Gurnsey recommended the board set their next two board meeting dates to include the invitation from ISU Dean Steiner to host a spring board meeting at the university in Pocatello. The Pocatello meeting was scheduled for May 4, 2007, the exact location to be determined. The next board meeting was scheduled to be held February 23, 2007 in Boise.

During legislation and rule review, the board discussed a letter from Edith Roe, owner of Homedale Pharmacy, requesting a waiver for her pharmacy on the requirements for a PIC. Mr. McPeek advised the board that Mr. Markuson is not required to register as a lobbyist. Mr. Markuson also reviewed the proposed legislation and rules, including the final language as submitted. Mike Merrill proposed that the board move forward to make the temporary rule on positive ID a permanent rule.

During budget review, Mr. Markuson discussed personnel costs and the savings incurred due to two positions that remain open. Richard Jones made a motion to authorize Mr. Markuson to give bonuses to staff where merit exists and to include himself eligible for a bonus. Berk Fraser seconded the motion. Motion unanimously carried.

Dwayne Sheffler made a motion to accept Mr. Markuson's travel expenses as presented. Richard Jones seconded the motion. Motion unanimously carried.

At 4:30 P.M. Dwayne Sheffler moved to go into Executive Session. The Chairperson identified Idaho Code Section 67-2345(d) to authorize the session. Richard Jones seconded the motion. Motion passed. At 4:41 P.M. Berk Fraser moved to come out of Executive Session. Dwayne Sheffler seconded the motion. Motion passed.

Regarding the hearing for pharmacy technician Debra Kaufman; the board revoked Ms. Kaufman's pharmacy technician registration.

Regarding Edith Roe's request for a waiver; the board determined that a waiver would not be granted and directed Mr. Markuson to notify Ms. Roe in writing that she would have ten days from receipt of the letter to sign a PIC.

At 5:00 PM Berk Fraser motioned to adjourn the meeting. Richard Jones seconded the motion. Meeting adjourned.

Minutes respectfully submitted by Jan Atkinson.