

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
December 10, 2009**

ISU Meridian Center  
Meridian, Idaho

This meeting of the board is held to conduct regular board business.

Chairman Nicole Chopski, Pharm D called the meeting to order at 8:15 a.m. In attendance were Berk Fraser, R.Ph; Kitty Gurnsey; Holly Henggeler, Pharm D; Dwayne Sheffler, R.Ph.; Mark Johnston, R.Ph; Jenifer Marcus, DAG; Jan Atkinson, Senior Compliance Officer; Lisa Culley, Compliance Officer; Fred Collings, Chief Investigator; Glenn Luke, Financial Specialist, Principal; and Ellen Mitchell.

Regarding the October 28 & October 29, 2009 minutes, Dr. Chopski asks for the following changes:

1. Clarify the paragraph addressing the 180 day extension for time of fine payment
2. Spelling correction.

Mr. Sheffler motioned to approve the minutes with requested corrections, Mr. Fraser seconded, motion carried unanimously.

Mr. Fraser motioned to approve the minutes of the November 4, 2009 Conference Call, Ms. Gurnsey seconded, motion carried unanimously.

Bill Osmunson, DDS, MPH presented his request for the Board to make fluoride a legend drug, requesting the Board consider introducing legislation. The Board directs Mr. Johnston to place this request behind current projects, low on the Board's priority list. Dr. Henggeler is concerned with the validity of the studies presented. Mr. Sheffler and Mr. Fraser are concerned with the amount of controversy surrounding this potential legislation. Dr. Chopski would like to identify the opposition to this potential legislation.

Bob Fischer addressed the Board regarding controlled substances at his remote dispensing pharmacy in Council, Idaho. Mr. Fischer requests the Board define the RDP as an extension of his pharmacy in Weiser, Idaho. Mr. Fischer's request was denied. Mr. Johnston reports on a recent DEA policy decision to inspect RDP for potential registration. Mr. Fischer asks the Board if Mr. Johnston can contact the DEA to request that Mr. Fischer's inspection be expedited. The Board approves Mr. Johnston to contact DEA regarding this matter.

David Ripley, Idaho Chooses Life, addressed the Board with newly drafted legislative language regarding the 'freedom of conscience for health care professionals'. Dr. Chopski thanked Mr. Ripley for coming and keeping the Board apprised of the progress of this legislation.

Mr. Johnston reviewed the results of an ISHP committee report regarding Institutions Rules 252 – 260. ISHP President, Michael Dickens, R. Ph, is expected to review the report in more detail at a future Board meeting.

Mr. Johnston and contracted paralegal, Lynette Berggren, presented an update on the new rule book project. New chapter number one and number two have been combined into one chapter, focusing on registration. This language was discussed at length. Additionally, concepts for the newest chapter number two, focusing on practice related issues, were discussed at length.

Eric Lawton, ISU student pharmacist, presented suggested updates to the controlled substance schedules in statute and a report of the controlled substances listed in Idaho that are not federally scheduled. Board granted unanimous consent to move forward with the suggested changes.

Mr. Johnston discussed the proceedings of the 12/8/10 Health and Welfare Germane Subcommittee hearing concerning the Legend Drug Donation Act. The committees suggested that the Board extend the public comment period in January for one week, pursuant to notice in the Idaho Administrative Bulletin. The Board would then consider the comment and publish pending rules in the February Idaho Administrative Bulletin. Approval granted; the Board will meet by conference call January 20, 2010.

Mr. Sheffler announced his resignation from the Board effective at the end of today's meeting. He thanked the Board, especially Mr. Johnston for making the last few years very enjoyable.

Mr. Luke addressed the Board with the financial status of the agency.

Mr. Johnston presented the agency travel calendar.

The Dennis Beach, R. Ph, agenda item is vacated.

Mr. Johnston presented the complaint against Michael J. Applebaum, M.D., Dr. Henggeler motioned to approve the request to send this case to a hearing officer, Mr. Fraser seconded, motion carried unanimously.

Mr. Sheffler motioned to adjourn the meeting, Ms. Gurnsey seconded, motion carried unanimously. Meeting adjourned 3:55 p.m.