MINUTES OF THE

IDAHO STATE BOARD OF PHARMACY

Ameritel Inn
Boise, Idaho

April 26, 2001

Chairman Merl Dalton, R.Ph. called the meeting to order at 9:00 a.m. Present were Board members Kitty Gurnsey; Marilyn Silcock, Pharm D; Frank Casabonne, R.Ph;and Mike Merrill, R.Ph. Also in attendance were Richard Markuson, Executive Director; Kent Nelson, Deputy Attorney General; Kirsten Wallace, Deputy Attorney General; Fred Collings. Senior Investigator; Jan Atkinson, Chief Compliance Officer and guests.

Dr. Silcock made a motion to approve the February 7, 2001 minutes as written. Second by Mike Merrill. Motion unanimously carried.

In the matter if J. Alan Brown, the Board directed Mr. Nelson to send a letter to the Illinois Board of Pharmacy declining Mr. Brown's request for reinstatement of his license due to the length of time he has been out of practice. The Board also based their decision on Mr. Brown's desire to practice in Illinois if his reinstatement was approved.

Board members reviewed citation #1184 issued to Dana Jenkinson. Frank Casabonne proposed a $50.00 fine and a letter of reprimand. Dr. Silcock seconded the motion and recommended Ms. Jenkinson submit a letter stating what she understood her duties as a technician to be. Motion carried.

Board members reviewed citation # 1185 issued to Chester Thorton. Frank Casabonne proposed a $50.00 fine and a letter oof reprimand. Dr. Silcock seconded the motion. Motion carried.

Board members reviewed citation #3709 issued to Albertson's. Mike Merrill made a to take the citation under advisement was made by Mike Merrill. Second by Kitty Gurnsey. Motion carried.

Kirsten Wallace, Deputy Attorney General for the Board discussed the proposed stipulation for Chris Murray. Motion by Dr. Silcock to revoke Mr. Murray's license. Second by Mike Merrill. Motion unanimously carried.

In the matter of Tad Hancock DDS. The Board recommended notifying all Boards that have not done so, to add something in their rules addressing practitioners prescribing controlled substance for family members. Motion by Mike Merrill to revoke Dr. Hancock's controlled substance license. Second by Frank Casabonne. Motion carried. The Board reviewed the proposed stipulation on Chris Christensen, MD. Motion by Frank Casabonne to accept the stipulation as written. Second by Kitty Gurnsey. Motion carried In the matter of Charles Suits. Motion by Dr. Silcock to accept the hearing officer's decision to deny the order to stay the proceedings. Second by Mike Merrill. Motion withdrawn. Frank Casabonne made a motion to draft a separate order to revoke Suits controlled substance registration due to his conviction of a felony involving controlled substances. Second by Mike Merrill. Motion carried. An additional motion to expedite the order to revoke by Dr. Silcock. Second by Frank Casabonne. Motion carried.

Regarding the matter of Dennis Beach. Motion by Mike Merrill to accept the stipulation as written, with a directive to Mr. Collings for follow up to make sure that Mr. Beach follows through with all requirements. Second by Dr. Silcock. Motion carried.

In the matter of Roger Wood. Motion by Frank Casabonne to accept the stipulation as written and notify Mr. Wood that he needs to keep in touch with Mr. Collings and find acceptable counseling. Second by Kitty Gurnsey. Motion carried.

During the budget review Mr. Markuson provided the Board with the current balances in operating and personnel issues. Ms. Gurnsey noted that it had been over ten years since any fees were raised and recommended appointing a committee to review fee increases across the board.

In Rule review, Mr. Markuson reviewed Rule 160. Transfer of Prescriptions. Changes in the rule went into effect March 5, 2001. House Bill 165 goes into effect July 1, 2001, enabling the Board to recover costs and handle issues of concurrence. House Bill 331 goes into effect July 1, 2001, replacing the duplicates with unalterable blanks approved by the Board. The Board members also approved the Standard Register blanks and one practitioner per blank. The Board will also send a letter to all the Boards and Associations communicating this was IMA legislation and also include a copy of the approved blank and indicate to practitioners there is only one name for each blank.

The Board also discussed the possibility of collecting the data for the drug-tracking program with a faster turn around and at a lower cost. The possibility of doing the program in-house and requiring pharmacies to report twice monthly (or more often) was also discussed. The Board directed Mr. Markuson, Mike Merrill and Teresa Anderson to check with other states that self-report and follow up with other resources. After gathering additional information the Board could determine if they want to do it on their own or work with Atlanta on restructuring a contract at a cheaper price.

Don Klaudt requested the Board review a statement from his counselors attesting to his fitness to return to work prior to taking action on the proposed order and stipulation before them. Motion by Dr. Silcock to table any further discussion until they could review the letter. Second from Kitty Gurnsey. Motion carried.

Russ Storrs and Bruce Stanger appeared before the Board to testify on behalf of Duane Jenkins and his request for reinstatement. Motion by Frank Casabonne to start a process to allow Mr. Jenkins to obtain his license by establishing CE requirements and whatever other requirements the Board had. Second by Kitty Gurnsey as long as he fulfilled all stipulated requirements. No votes from Dr. Silcock and Mike Merrill required a vote from Chairman Merl Dalton. The tie was broken by a no vote from Mr. Dalton. Motion did not carry.

In the matter of Jonathan Paine a motion was made by Kitty Gurnsey to accept the Board of Medicine's stipulation and suspend indefinitely his controlled substance license. Second by Frank Casabonne. Dr. Silcock abstained. Motion carried.

The Board addressed citation #3709 issued to Albertson's Pharmacy #157. Motion by Mike Merrill to fine Albertson's $500.00 for the infraction along with a letter to Richard Mazzoni at their corporate office requesting Mark Johnston be established as a contact person for the Board. Second by Kitty Gurnsey. Motion carried.

The Board addressed the proposed stipulation for Don Klaudt. Motion by Dr. Silcock to accept the stipulation as signed and suspend his license with the understanding that it can be renewed at any time after the Board receives adequate verification that Mr. Klaudt is able to function in the capacity as a pharmacist. Second by Kitty Gurnsey. Motion carried.

Frank Wickham and Diann Matthews gave a presentation from Ortho Biotech to the Board.

Future Meetings were discussed. The ISPA meeting will be held June 8-10 in Coeur D' Alene, Idaho. The NABP Convention will be held May 5-9 in Seattle, WA. The ASHP Convention will be held in New Orleans December 2-6. The next Board Meeting is scheduled for Monday, July 16 at the Ameritel Inn, Boise.

The Board discussed future legislation changes. Rule 188.01 on Product Selection should have the "Brand Medically Necessary" removed because Medicaid requires prior approval. The Board discussed Rule 159.02 on Prescription Labels and the request to have additional information with the generic name so patients could identify it with the brand name. The Board does not want to require the information be added but recommend that pharmacies have someway to educate their patients if they are not already doing so. Rule 100 regarding registration of externs and interns

should be changed so the person will be eligible to register as an extern upon enrollment in the College of Pharmacy and the registration would remain in effect during their continued enrollment. Code section 54-1724 on Renewal of License needs to be more consistent and have common requirements requiring all licenses be in the office by June 15, so they will be received and posted by June 30th. The Board also recommended reviewing 54-1723 at the same time for other inconsistencies. The Board will also draft rules on electronic transmission of prescriptions, look at increasing fees across the board and review rules covering centralized filling.

Kent Nelson discussed the acceptance date for receiving renewals. When the designated date falls on a weekend or a holiday the date can be extended to the next business day. The Board agreed that all renewals received and postmarked by July 2, 2001 would be accepted without a late fee.

Meeting adjourned at 4:35 p.m.

Minutes of this meeting respectfully submitted by Jan Atkinson, Chief Compliance Officer.

Chairman	**Member**
Vice-Chairman	**Member**
Member	**Executive Director**