MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

September 27, 2001
Sun Valley, Idaho

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

Merl Dalton made a motion to approve the minutes from the July 16, 2001 meeting. Dr. Silcock seconded the motion. Motion passed.

Jo An Condie, representing the ISPA, proposed a legislative change in the definition of a practitioner as defined in the Idaho Pharmacy Practice Act, Section 54-1705, to include the word "pharmacist". Mike Merrill made the motion to accept and back the legislative code change on behalf of the IPLC. Dr. Silcock seconded the motion. Frank Casabonne abstained. Motion passed.

David Weick did not attend the Board meeting and the Board elected not to take action on his request for consideration of his relicensure.

Mike Merrill made a motion to revoke Mark Sulik's license and impose an additional $2,000.00 fine based upon his relapse. The $2,000.00 fine would be paid prior to the reinstatement of Mr. Sulik's license. Dr. Silcock seconded the motion. Frank Casabonne abstained. Motion passed.

Kirsten Wallace, Deputy Attorney General, submitted a compliance statement and plan compiled by Med Now. The Board took no specific action on the matter and requested additional information from both Med Now and Fred Collings, Senior Investigator for the Board.

Mike Merrill made a motion to discuss the Board of Medicine's disciplinary action against Dr. Paine and review related material in a Board Executive Session. Dr. Silcock seconded the motion. Frank Casabonne abstained. Motion passed.

Brian Donesley, representing Jon-Eric Baillie, requested the Board table their action until the Board of Medicine amends their current stipulation against Dr. Baillie. The interim order would remain in place during this time period. Mr. Donesley also requested that the Board hold a conference call after the Board of Medicine provides them with the

Amended Stipulation for Dr. Baillie. Merl Dalton made a motion that the Board wait for the Amended Stipulation from the Board of Medicine and then have a Board Conference Call to review it for modification or concurrence prior to the Board finalizing that agreement. Mike Merrill seconded the motion. Frank Casabonne abstained. Motion passed.

Randall Terwedo, President of the Center for Behavioral Health in Sacramento, CA., discussed the possibility of changing state legislation to allow a methadone treatment program in Idaho. Mr. Terwedo will remain in contact with Mr. Markuson and advise him of any upcoming legislation in this particular area.

Jo An Condie, ISPA, informed the Board members of interpretation concerns with the current legislation that disallows the use of Discount Cards in Idaho and stated that further research was necessary before moving forward with any new legislation that would require the standardization of prescription cards.

Jim Francis, Pharmacy Director for St. Luke's, proposed the use of web-cams at cancer sites without an on-site pharmacy or pharmacist. At these clinic sites a nurse would be doing the mixing and the web-cam would be used to provide the same level of care and additional checks and balances that is normally confined to a pharmacy setting, but with a pharmacist's oversight. St. Luke's was commended for their effort to further extend the continuity of care that they provide to their patients.

Dave Francis, representing Standard Register, updated the Board on the current status of the new security blanks for controlled substances. Mr. Francis told the Board that they are also working on several requests by practitioners for application of the required security features for use with their in-house systems used to print prescriptions.

Robert Seehusen, CEO of the Idaho Medical Association, was invited by the Board to comment on the security blanks. Mr. Seehusen addressed the physicians' concerns with the "one practitioner per blank" requirement and the security features the Board requires for supplying these blanks. Mr. Seehusen stated that additional requirements make it difficult for anyone to supply the more "generic" blanks that are given away free to the practitioners. Several physicians voicing their concerns about the security blanks also contacted the Board members prior to the Board meeting.

Duane Jenkins appeared before the Board to request reinstatement of his license. Russ Storrs spoke on Mr. Jenkins's behalf, and asked the Board members voting against Duane's reinstatement to explain their reasoning, so he could understand their reluctance to reinstate. Mike Merrill made the motion that Mr. Jenkins complete 1500 hours of externship under a Board approved preceptor site, take and pass the Naplex and provide necessary CE documentation, to become eligible for reinstatement. Merl Dalton seconded the motion. Frank Casabonne abstained. Motion passed. Mr. Jenkins stated he felt the Naplex was unreasonable but agreed he should take the law exam and do 1500 hours of externship, as well as the recommendation to fulfill CE requirements. Mr. Dalton also

invited Mr. Storrs to come to the Board of Pharmacy office and review Mr. Jenkins's extensive file(s) if he still required additional explanation as to the Board's reluctance on reinstating Mr. Jenkins's license.

Dr. Silcock made a motion to adopt the proposed stipulation for Michelle Feldtman but added a requirement that Ms. Feldtman not be allowed to act as either a preceptor or a PIC during her probationary period. Merl Dalton seconded the motion. Frank Casabonne abstained. Motion passed.

During the Rule and Legislation review Mr. Markuson addressed the proposed fee changes. With several reductions and eliminations the net increases would not be that extensive. The proposed Intern/Extern Registration would change the annual registration to a one-time registration for pharmacy students. Legislation to lift the sunset clause on the drug-tracking program was also discussed. Mr. Markuson addressed the need for assistance from the DEA to schedule carisoprodol, and a directive from NASCSA, to require better documentation and reporting of all incidents involving carisoprodol.

At 4.47 P.M. Merl Dalton made a motion to go into Executive Session for matters concerning exempt public records. The Chairperson identified Idaho Code Section 67-2345(d) to authorize the session. Dr. Silcock seconded the motion. Motion passed. At 5:05 P.M. Mike Merrill moved to come out of the Executive Session. Dr. Silcock seconded the motion. Motion passed.

Merl Dalton made a motion that the Board adopt the Board of Medicine's disciplinary action against Dr. Paine and have the Board of Pharmacy attorney draw up a stipulation stating the same, and in addition have Mr. Markuson send a letter to the Board of Medicine regarding the Board's concerns with Dr. Paine's obvious inability to identify controlled substances appropriately in his prescribing practices. Mike Merrill seconded the motion. Frank Casabonne and Dr. Silcock abstained from the vote. Motion passed.

Future meetings include the District 7 Meeting in New Mexico. Richard Markuson, Kitty Gurnsey and Marilyn Silcock plan to represent Idaho. The next Board meeting is scheduled for December 6, 2001 at the Ameritel Inn, Boise.

The Board requested that John Southworth, representing the Physicians Recovery Network, be invited to attend the next Board meeting. It was also requested that he supply the Board members with a copy of PRN's standard contract for their review.

Meeting Adjourned.

Minutes respectfully submitted by Jan Atkinson, Senior Compliance Officer.

Chairperson	Member
Vice-Chairman	Member
Member	Executive Director