MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

December 6, 2001
Ameritel Inn-Boise Towne Square
Boise, Idaho

Chairperson Kitty Gurnsey called the meeting to order at 9:00 A.M. Also in attendance 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.

Frank Casabonne proposed the Board minutes from the September 27, 2001 meeting clarify the offer he conveyed to the IMA and to Mr. Seehusen personally, to make himself available for any meetings they request in order to discuss the IMA's ongoing concerns with the security blank legislation and implementation. Mr. Casabonne also wanted clarification stating Mr. Sulik's additional fine of $2,000.00 imposed due to his relapse, would be paid within two years of his reinstatement, and not prior to reinstatement. Dr. Silcock made a motion to accept the Board minutes with the two amended sections. Frank Casabonne seconded the motion. Motion unanimously carried.

A motion was made by Mike Merrill to accept the minutes of the October 25, 2001 Conference Call with the addition of the following statement. Frank Casabonne was not asked to attend the scheduled conference call because Chairperson Gurnsey and all other members of the Board were told that Mr. Casabonne could not continue to vote on Board matters during his re appointment to the Board. Soon after this conference call was completed, the Board was informed that Mr. Casabonne had maintained full Board voting power during the reappointment process. Dr. Silcock seconded the motion. Motion unanimously carried.

Due to lack of evidence in the error complaint by Teresa Gregory, the Board determined that no action would be taken against Albertson pharmacy or the pharmacists involved. The Board also recommended that Albertson's should have a procedure in place to address situations where there are continuous complaints of shortages and errors by one individual. Documenting these shortages and how they are handled in future dealings with the same individuals could be invaluable if a similar situation ever occurs.

Regarding citation, # 1327 issued to David Green R.Ph. Frank Casabonne made a motion to fine him $100.00 and put a letter of reprimand in his file. Mike Merrill seconded the motion for purposes of discussion. Frank Casabonne amended his motion to a $200.00 fine and a letter of reprimand to go in David Green's file. In addition, the Board asked Mike Love to review the filling process and the checks and balances Rite Aid has in place to avoid a repeat of this type of error. The Board directed copies of Rite Aid's response letter to go to the patient's family. Mike Merrill seconded the motion. Motion unanimously carried.

Regarding citation #2614 issued to Walt Luhr, Mike Merrill motioned for a $100.00 fine and a letter of reprimand to go in his permanent file. For citation #2615 issued to Victor Allen on the same complaint, Mike Merrill motioned for a $300.00 fine and a severe letter of reprimand to go in Mr. Allen's permanent file. Mr. Merrill also requested that Mr. Allen respond to the Board and explain how this situation and complaint should have been handled. Copies of all Board actions and Mr. Allen's response should also be sent to the complainant, Mrs. Vieselmeyer. Dr. Silcock seconded the motion. Motion unanimously carried.

Regarding citation #2608 issued to Ridley's Pharmacy in Jerome, Frank Casabonne made a motion for a $1,000.00 fine for their breach of security and the subsequent theft of controlled substances from the pharmacy. In addition, Board inspectors were

directed to review the security of controlled substances for all Ridley pharmacies. Any corrections necessary for securing controlled substances will be done within 24 hours of notification by a Board inspector. Mike Merrill seconded the motion. Motion unanimously carried. A motion was also made by Frank Casabonne to have the inspector issue an additional citation to Duncan McIntyre, the acting PIC of Ridley's during the security breaches and resulting theft of controlled substances. Mike Merrill seconded the motion. Motion unanimously passed.

The Board also discussed working with the attorney general's office and pursuing due process in an attempt to locate several technicians who are facing possible administrative action against their registrations.

At 10:28 a.m. Frank Casabonne moved to go into Executive Session for matters concerning exempt public records. The Chairperson identified Idaho Code Section 67-2345(d) to authorize the session. Motion seconded by Dr. Silcock. Motion unanimously carried. At 11:15 a.m. Frank Casabonne moved to come out of Executive Session. Second by Dr. Silcock. Motion unanimously carried.

Dr. Silcock made a motion to reinstate Don Klaudt's license to practice pharmacy. Frank Casabonne seconded the motion. Motion unanimously carried.

Mike Merrill made a motion to take the Mark Sulik matter into Executive Session for further discussion. Dr. Silcock seconded the motion. Motion unanimously carried.

At 11:27 a.m., Dr. Silcock moved to go into Executive Session for matters concerning exempt public records. Chairperson Gurnsey identified Idaho Code Section 67-2345(d) to authorize the session. Mike Merrill seconded the motion. Motion unanimously carried. At 11:54 a.m., Dr. Silcock moved to come out of Executive Session. Frank Casabonne seconded the motion. Motion unanimously carried.

Mike Merrill made a motion that Mr. Sulik adhere to the Board Order for at least another six months before coming before the Board to ask for reinstatement of his pharmacist license. Mr. Merrill stated that the Board would be remiss in giving him his license back too soon and they also feel he needs time to adapt to his home environment. After the six months, the Board will review what he has done and reconsider his request at that time. Frank Casabonne seconded the motion. Motion unanimously carried.

Todd Schlapfer, N.P. presented a draft of the Proposed Naturopathic Medicine Act for Board review and discussion.

Melissa Weber appeared before the Board and presented her position on the need for changes in the law to allow for MMT's or Methadone Maintenance Treatment clinics in Idaho. At the present time, the closest treatment clinic is located in Ogden, Utah making it extremely hard for participants living in Idaho. Ms. Weber stated that Idaho is one of 5 states that do not have a methadone treatment program for heroin addicts. Mr. Markuson explained that it would take a legislative change to allow dispensing of methadone by someone other than a practitioner, if that is the main obstacle keeping them from opening clinics in Idaho.

Representatives from IAMSS, appeared before the Board to request changes in Board of Pharmacy rules and regulations to allow for earlier mailing of renewals and requiring renewals to be received in the office no later than December 1st, thus allowing adequate processing and mailing time before the December 31st expiration date. A report prepared by Ellen Mitchell, Board of Pharmacy licensing coordinator, showed that as of December 5, 2001 the Board showed 1,712 outstanding controlled substance registrations, out of 5,155 total renewals mailed. The Board also recommended that IAMSS representatives check with Ellen after the renewal period to discuss possible subscription services to provide updated registration information to assist them in the future.

Mike Merrill made a motion to go into Executive Session to discuss how to move forward with the Med Now material presented to the Board. Frank Casabonne seconded the motion. Motion unanimously carried.

Mike Merrill made a motion to discuss Roger Wood's request for reinstatement in Executive Session. Dr. Silcock seconded the motion. Motion unanimously carried.

The Board denied Phil Ruschetti's request for reinstatement and advised him to go back and review his stipulation and follow through with the requirements of that Order.

Mr. Markuson went over proposed legislation and reviewed rule changes with members of the Board.

At 5:00 p.m., Frank Casabonne moved to go into Executive Session for matters concerning exempt public records. Chairperson Gurnsey identified Idaho code Section 67-2345(d) to authorize the session. Mike Merrill seconded the motion. Motion unanimously carried. At 5:40 p.m., Mike Merrill moved to come out of Executive Session. Dr. Silcock seconded the motion. Motion unanimously carried.

Regarding the Med Now agreement, Mike Merrill made a motion not to accept the agreement as presented and directed Fred Collings to direct them again on the corrective measures they need to take and point out the deficiencies they continue to operate under. Med Now should also be advised that they have until January 31, 2002 to complete this proposed agreement and submit it to counsel. Mr. Merrill also recommended that they be required to pay for recovery of all costs, as required in code, up to the maximum amount of $5,000.00. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding Robert Goettsch's application for reinstatement of his pharmacist license, the Board directed Mr. Goettsch to pay back fees of $800.00, complete all Board required CE and register with the Board to begin accumulating the required 40 intern hours for every year out of pharmacy. All hours must be earned at an approved preceptor site while holding a valid intern/extern registration.

Future Meetings: The next scheduled meeting of the Idaho State Board of Pharmacy is scheduled for March 20, 2002 at the Ameritel Inn, Boise. Idaho plans to host the District Meetings scheduled for October 10-12, 2002, to be held in Coeur d'Alene. The NABP National Convention will be held in Arizona in May of 2002.

Meeting Adjourned at 6:05 p.m.

Jan Atkinson respectfully submits minutes of the Board of Pharmacy.

Chairperson	Vice-Chairman
Member	Member
Executive Director	Member