MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

Ameritel Inn
Boise, Idaho

February 7, 2001

Chairman Merl Dalton, R.Ph. called the meeting to order at 9 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; Roger Gable, Deputy Attorney General; Fred Collings, Senior Investigator; Lisa Culley, Compliance Officer; Jan Atkinson, Chief Compliance Officer and guests.

Kitty Gurnsey made a motion to approve the November 8, 2000 Board minutes as written. Dr. Silcock made a second to the motion. Motion carried.

Board members reviewed citation # 1351 issued to Ernie Clarke. A motion to take the citation under advisement was made by Mike Merrill. Dr. Silcock seconded the motion.

Board members reviewed citation # 1184 issued to Dana Jenkinson. Dr. Silcock made a motion for the citation to be taken under advisement. Mike Merrill seconded the motion. Motion carried.

Roger Gable, Deputy Attorney General explained the proposed stipulation to Mike Roberts. Mr. Roberts was unable to attend but his wife Christine was present to answer any Board questions and to discuss her husband's current medical condition with members of the Board. Mike Merrill made the motion to take the stipulation proposal under advisement. Second by Dr. Silcock. Motion carried.

Roger Gable presented the proposed stipulation for Harold VanKleeck, DVM. Mr. Gable reported the Board of Veterinary Medicine was looking at additional action against his veterinary license along with the proposed Board of Pharmacy action against his controlled substance registration. A motion was made by Mike Merrill to revoke Dr. VanKleeck's controlled substance registration pending concurrence from the Board of Veterinary Medicine. Second by Dr. Silcock. Motion carried.

J.Alan Brown appeared before the Board requesting Board approval to reinstate his Idaho license so he could initiate reciprocity proceedings to Illinois. Mr. Brown's pharmacist license was revoked in 1985 and Illinois is waiting for Idaho to reinstate his license so he can reciprocate to Illinois. Motion by Dr. Silcock to postpone his request until the next Board meeting to give Mr. Brown time to ascertain if Illinois would allow him to register as an intern while agreeing to random drug screening in order to meet Idaho requirements for reciprocity. Mike Merrill seconded the motion. Motion carried.

Mark Sulik R.Ph. appeared before the Board to request the early reinstatement of his pharmacist license, to become effective immediately. John Southworth, representing the PRN program, also

advocated for Mr. Sulik's early reinstatement. A motion was made by Frank Casabonne to reinstate Mr. Sulick's license to practice pharmacy as requested but to retain all other requirements of his original stipulation. Second by Kitty Gurnsey. Motion carried.

James Culpepper appeared before the Board to request Board approval for reciprocation of his pharmacist license to Idaho. Idaho Code 54-1723 requires the Board to establish requirements necessary for granting approval to applicants who have not practiced pharmacy for over 1 year. Mr. Culpepper has worked for MWI in Nampa for the past 3 years, as a purchaser of veterinary drugs, and as such has not practiced pharmacy during that time period. Kitty Gurnsey made a motion that the Board require a minimum of 40 intern hours for each year that an individual has been out of pharmacy past the required time. Following that motion the Board would grant Mr. Culpepper's request for reciprocity after the requirement of 120 intern hours has been reached. Seconded by Mike Merrill. Frank Casabonne abstained from the vote. Motion carried.

Jon VanBuren appeared before the Board to request Board approval for reciprocity to Idaho. Jim Francis, Pharmacy Director of St. Lukes RMC requested that the Board consider allowing some of the training hours that Mr.VanBuren had already worked at the hospital pharmacy. The request was denied because Mr. VanBuren was not registered as a technician or an intern when he worked in the program at St. Lukes. Mr. VanBuren would be required to accrue 80 hours of internship for the two years he was out of pharmacy. Motion by Mike Merrill to grant his request for reciprocity after completion of 80 intern hours. Second by Dr. Silcock. Motion carried.

Bernard Sutliff asked the Board to review his reciprocity application. Because another state had taken action against his license over 10 years ago the question was whether Statute 54-1723 allowed for reciprocity in his situation. The Board members determined they should have a certain amount of latitude to decide on situations like his on an individual basis. Motion by Dr. Silcock that Mr. Sutcliffe continue with his reciprocity process as planned. Second by Mike Merrill. Motion carried.

Rite Aid representatives Mike Love and Don Gubbins spoke to Board members concerning the lunch breaks offered to Rite Aid pharmacists in other states. JoAn Condie with ISPA reported that her members had directed her to check into state law requiring breaks and lunches. She determined that any language would need to distinguish between allowing breaks instead of mandating breaks. Ms. Condie stated the workload survey had not received much support from the members and basically died from lack of interest. The lunch break idea had been accepted positively by the Rite Aid pharmacists however Idaho pharmacy law does not allow the pharmacy to remain open when the pharmacist is absent.

Ann Ebener requested the Board to review her application for reciprocity. Motion by Dr. Silcock to notify Ms. Ebener that the Board would grant her reciprocity after she completed 320 intern hours. Second by Mike Merrill. Motion carried.

During rule review the Board agreed to review all remaining intern/extern rules for possible revisions. There was discussion on separating intern/extern applications and the possibility of issuing externs a registration one time that would extend over the 4-year period and expire upon graduation. The practice of central filling locations and how and if to license these sites was discussed. Members agreed to review information available and determine if additional rules are necessary. Regarding electronic signatures, the Uniform Electronic Transactions Act would allow

prescription via electronic means and recognizes the use of electronic signatures. Additional safeguards would be necessary to protect the pharmacies when they agree to receive these transactions without contractual understanding by both parties. The Board directed Mr. Markuson to proceed with drafting rules for nuclear pharmacy for presentation in 2002. Michael Gardner of Radiopharmacy offered his assistance to the Board in drafting these rules.

At 3:30 p.m. Mike Merrill moved to go into Executive Session for matters concerning exempt public records. The Chairman identified Idaho Code Section 67-2345(d) to authorize the session. Second by Kitty Gurnsey. Motion unanimously carried. At 4:50 p.m. Kitty Gurnsey moved to come out of Executive Session. Second by Mike Merrill. Motion unanimously carried.

During legislative review Mr. Markuson discussed the proposal from IMA to eliminate the duplicates. The Board members directed Mr. Markuson to notify the IMA that the Board of Pharmacy is in favor of retaining the duplicates because they discourage diversion of schedule II medications. Testimony in support of HB103 to schedule carisoprodol has been scheduled for the House. Representative Henbest will carry the bill to do away with the need for concurrence from a practitioner's licensing Board, requires all Boards to share information and also allows for recovery of costs from individual practitioners when action is taken.

In the matter of citation #1184 issued to Dana Jenkinson, Dr. Silcock entered a motion to table any action on that citation and request the inspector review the same complaint for possible action against the pharmacist that filled the prescription. Second by Frank Casabonne. Motion carried.

In the matter of citation #1351 issued to Ernie Clarke, Mike Merrill motioned for the Board to issue a $250.00 fine and a letter of reprimand. In addition the Board requested that Albertson's policy concerning technician registration be verified with Mark Johnston, the Pharmacy Sales Manager for Albertsons. Dr. Silcock seconded the motion. Motion carried.

The Board tabled J.Alan Brown's request for reinstatement.

In the matter of the proposed stipulation for Mike Roberts, a motion was made by Dr. Silcock not to accept the stipulation as written and instead to instruct the deputy attorney general to request a letter from both Mr. Roberts's physician and his employer stating that they each are aware of the medication and dosage he is taking daily and they both are comfortable with him working while taking that amount of medication. Along with certification from K-mart and Mr. Roberts's physician that they are fully aware of what he is taking they would be assuring the Board that they were also confident he would not be endangering the public. If the Board received the letters from both parties within 5 days of the request they would agree to the amended stipulation. Second by Mike Merrill. Motion carried.

A review of the Board's budget was completed by Mr. Markuson.

The next Board meeting was tentatively scheduled for April 26-27, 2001 in Boise. No dates were available for the joint spring meeting with ISPA and ISHP. Dates and information on registration will be available at the next Board meeting.

Dr. Silcock entered a motion to adjourn the meeting at 5:45 p.m. Second by Mike Merrill. Motion carried.

Chairman	Member
Vice-Chairman	Member
Member	Executive Director