MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

FEBRUARY 11, 2005

AMERITEL INN
BOISE, IDAHO

Chairman Frank Casabonne R.Ph. called the meeting to order at 9:00 A.M. Also in attendance were Board members Kitty Gurnsey; Mike Merrill R.Ph.; Marilyn Silcock Pharm D and Dwayne Sheffler R.Ph. Also present were Richard Markuson, Executive Director; Fred Collings, Senior Investigator; Dustie Reyna, Investigative Assistant; Jan Atkinson, Senior Compliance Officer. Representing the Board as legal counsel were Kent Nelson, Deputy Attorney General and Cheri Bush, Deputy Attorney General.

Kitty Gurnsey made a motion to approve the minutes from the December 03, 2004 board meeting as written. Dwayne Sheffler seconded the motion. Motion unanimously carried.

In the matter of Paul Allen Frisk: Paul Allen Frisk and Sam Hoagland, legal counsel for Mr. Frisk were present to answer questions from the board and provide additional information regarding the proposed Stipulation presented by Cheri Bush and Fred Collings. Dwayne Sheffler made a motion to accept the proposed Stipulation as written. Motion seconded by Mike Merrill. Dr. Silcock abstained from the vote. Motion carried.

Regarding citation #1303 issued to pharmacist Lisa P. Cowley: Mike Merrill made a motion to fine Ms. Cowley $100.00 and place a letter of reprimand in her file. Motion seconded by Dwayne Sheffler. Motion unanimously carried.

Regarding citation #1200 issued to pharmacist Stephen M. Fogg: Dwayne Sheffler made a motion to fine Mr. Fogg $1,000.00 and place a letter of reprimand in his file. Motion seconded by Kitty Gurnsey. Mike Merrill recused himself and Dr. Silcock also abstained from voting. Motion carried.

Kitty Gurnsey made a request to the board members that they allow the Board Chairman to vote in all matters when other board members either recused themselves or abstained from voting for any reason. The board members agreed unanimously and Mr. Casabonne stated that he would cast his vote during the remaining proceedings if necessary.

Regarding citation #1301 issued to pharmacy technician Rachelle Pierson: Kitty Gurnsey made a motion to fine Ms. Pierson $500.00 and place a letter of reprimand in her file. Motion seconded by Dwayne Sheffler. Mike Merrill and Dr. Silcock abstained from the vote. Motion carried.

Regarding citation #1302 issued to pharmacist Alan Bell: Mike Merrill made a motion to fine Mr. Bell $1,000.00 and place a letter of reprimand in his file. Dwayne Sheffler seconded the motion. The Board also directed staff to send the practitioner who filed the complaint a letter advising him of the action taken by the Board. Motion unanimously carried.

Regarding citation #1333 issued to pharmacist William Dixon: Joyce Johnson presented her complaint regarding the incorrect medication she had received. Mike Love, Pharmacy District Manager for Rite Aid appeared to answer any questions the Board or Ms. Johnson might have and also reported that Mr. Dixon's ill health prevented his appearance. Due to the extended illness of Mr. Dixon Mr. Merrill made a motion to ask for the surrender of Mr. Dixon's pharmacist's license, in lieu of a fine. Ms. Gurnsey seconded the motion. The Board also directed staff to contact Rite Aid and request a copy of their policy guidelines for handling medication errors in the pharmacy. Motion unanimously carried.

Regarding citation # 1332 issued to pharmacist Tawndi L. Sargent: In her absence Ms. Sargent submitted a letter to the board addressing the lapse of her controlled substance registration and the limited amount of prescriptions she ultimately dispensed in the six month period due to her position as a clinical pharmacist. Ms. Gurnsey made a motion to fine Ms. Sargent $200.00 and place a letter of reprimand in her file. Mr. Merrill seconded the motion. Motion unanimously carried.

Regarding citation #1330 issued to pharmacist Mark Johnston: Mark Johnston appeared before the Board to address the matter of working one day of relief for a pharmacist without a controlled substance registration. Dr. Silcock made a motion to fine Mr. Johnston $200.00 and place a letter of reprimand in his file. Ms.Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation #1373 issued to Pharmease LLC (dba Floto Pharmacy): Danny Seamons appeared before the Board representing Floto Pharmacy. Mr. Seamons assured the board members that the sharing of inventory between the retail pharmacy and the closed door pharmacy was an oversight partially caused by the change over in pharmacy managers for the two separate pharmacies and the problem has since been corrected. Motion by Dr. Silcock to fine Pharmease $500.00 and place a letter of reprimand in their file. Mr. Merrill seconded the motion. Motion unanimously carried.

Regarding citation #1372 issued to pharmacist Virginia Schwada Bradshaw: Matt Phelan and Kris Wilson, Pharmacy District Managers for Wal-Mart appeared with Ms. Bradshaw to address the citation issued to her for violating the generic substitution rule. Ms. Gurnsey made a motion to fine Ms. Bradshaw $100.00 and place a letter of reprimand in her file. Mr. Merrill seconded the motion. Motion unanimously carried.

Regarding citation # 1371 issued to pharmacist Kaye Harrison: Kaye Harrison appeared before the Board to address his citation for practicing pharmacy with an expired controlled substance registration. Dr. Silcock made a motion to fine Mr. Harrison $200.00 and place a letter of reprimand in his file. Mr. Sheffler seconded the motion. Motion unanimously carried.

In the matter of Steven Seyfert: Mr. Seyfert appeared before the Board to request reinstatement of his pharmacist license. Dr. Silcock made a motion to reinstate Mr. Seyfert's pharmacist license and Ms. Gurnsey seconded the motion. Mr. Merrill made an amended substitute motion to reinstate Mr. Seyfert's pharmacist license with the additional requirements that he continue his random UAs and the Board extend the probationary period to 4 years. Mr. Seyfert is also required to pay investigative costs totaling $337.50 and a fine of $2,000.00, payable within one year from reinstatement of his license. Dr. Silcock seconded the substitute motion. Motion unanimously carried.

In the matter of pharmacist John Letter and relating to the Notice of Default of Stipulation of March 31, 1999 and Board Order of June 24, 2004: Based on Mr.Collings stated allegations which would constitute a violation of the terms of Mr. Letter's current Stipulation and Board Order, Mr. Merrill made a motion to extend Mr. Letter's probationary period for an additional three years with continuation of the requirement for random UAs and repayment of any investigational costs incurred by Mr. Collings. Dr. Silcock seconded the motion. Motion unanimously carried.

Mark Johnston, Pharmacy District Manager for Albertsons addressed the Board regarding the Board's proposed legislation that would grant temporary reciprocal licensure for a pharmacist. Mr. Johnston requested that the time period of a temporary license be extended to a period of 16 weeks instead of the proposed 12 weeks time period. Ms. Gurnsey made a motion to allow the increase as requested by Mr. Johnston. Dr. Silcock seconded the motion. Motion unanimously carried.

In the matter of the proposed Stipulation and Order for pharmacist Brett C. Bollwinkel: Mr. Sheffler made a motion to accept the proposed Stipulation and Order as written. Ms. Gurnsey seconded the motion. Motion unanimously carried.

In the matter of the proposed Stipulation and Order for pharmacy technician Rebecca Henderson: Ms. Gurnsey made a motion to accept the proposed Stipulation and Order as written. Mr. Merrill seconded the motion. Motion unanimously carried.

In the matter of the proposed Stipulation and Order for pharmacy technician Liberty Huggins: Mr. Merrill made a motion to accept the proposed Stipulation and Order as written. Dr. Silcock seconded the motion. Motion unanimously carried.

In the matter of the proposed Board Order for pharmacy technician Raquel Garcia: Based on Ms. Garcia's Voluntary Surrender of her pharmacy technician registration Mr. Merrill made a motion to revoke her pharmacy technician registration. Dr. Silcock seconded the motion. Motion unanimously carried.

In the matter of the proposed Stipulation and Order for John Stoianoff MD: Based on Dr. Stoianoff's Voluntary Surrender of his controlled substance registration Ms. Gurnsey made a motion to accept the proposed Stipulation and Order as written. Mr. Sheffler seconded the motion. Motion unanimously carried.

In reviewing the language in the proposed guidelines for hospital pharmacy staff that would allow specified employees to remain in the hospital pharmacy when the pharmacist is called away from the pharmacy, but remains present in the facility: The board members requested that Mr. Markuson revise the proposal with further clarification of the policy and suggested additional language changes to the proposed guidelines to avoid any misinterpretation.

Robert Fischer R.Ph. from Ontario, Oregon requested the Board review his proposal for a pilot telepharmacy program in Idaho, similar to what has been approved in Oregon, which would allow his retail pharmacy in Oregon to service rural clinic settings in Idaho without available pharmacy services by using some a telepharmacy program. The board members indicated they would not be amenable to approving any proposal for a telepharmacy program that services rural areas from a clinic location if the requested location was within "close proximity" to an existing retail pharmacy.

During a review of medication orders currently being faxed by the assisted living facilities directly to the provider pharmacies instead of originating from the practitioner, there was discussion as to whether allowing long term care facilities to fax directly to the pharmacies would be permissible based on the existing interpretation of a practitioner's agent. The question was raised as to why the two facilities were required to operate differently when it came to faxing prescriptions directly to the pharmacy. A decision was made by board members to table any further discussion regarding this matter and they instruct the concerned parties and Board counsel, Kent Nelson and Board Chairman Frank Casabonne, to meet and determine whether faxing guidelines would be possible in this situation or whether additional legislation would be required to adequately address the issue.

During legislation and rule review Mr. Markuson discussed the proposed rules and code changes for the 2005 Legislative session as outlined at the December 2004 board meeting. No additional matters regarding legislation or rules was discussed or proposed.

Mr. Markuson reviewed the current budget figures with the board members and indicated there was a possibility that additional monies may be left in the personnel budget at the end of the fiscal year. The surplus funds are attributed to the late re-hire of the new board Investigative Assistant and the Licensing Assistant vacancy that was created when the current employee holding that position applied for and was chosen to fill the vacant position as Customer Service Representative. The board members agreed that any monies left in the personnel budget should be directed toward employee bonuses where applicable. The board members also recommended that Mr. Markuson also receive a bonus if additional money remained in personnel at the end of the fiscal year.

Upcoming meetings of interest to the Board of Pharmacy are: the MPJE Meeting in Scottsdale, AZ., scheduled for January 21-23. Mr. Markuson, Mr. Sheffler, Mr. Casabonne and Ms. Atkinson are scheduled to attend and begin the process of reviewing thousands of law questions to create the initial MPJE Exam for Idaho. Mr. Markuson has scheduled several CE law programs throughout Idaho during the upcoming months and will add more programs as he receives additional requests. The NABP Annual Meeting is scheduled for May 20-24 in New Orleans, LA. Mr. Markuson, Mr. Sheffler and Dr. Silcock are planning to attend the meeting. Ms. Gurnsey, Mr. Casabonne and Ms. Atkinson may also attend the meeting if their schedules permit. The Tri-State Convention in Coeur 'd Alene, ID. scheduled for June 10-12. The board members discussed the possibility of scheduling a board meeting in conjunction with the Tri-State meeting in June. Mr. Markuson and Mr.Casabonne will review the Board agenda in March to determine whether an April board meeting is necessary for legislative purposes or whether the next board meeting will be held during the Tri-State Convention on June 9, 2005. Mr. Markuson will notify the board members when a final determination has been made.

Meeting adjourned.

Minutes respectfully submitted by Jan Atkinson.