MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
October 23-24, 2013
Idaho State Capitol Building, Boise, Idaho

This meeting of the Board was held to conduct regular Board business

Chairman Nicole Chopski, PharmD, called the meeting to order at 1:02 p.m. In attendance were Board members Holly Henggeler, PharmD; Rich de Blaquiere, PharmD; Ed Sperry, Public Member; and Kristina Jonas, PharmD, as well as Mark Johnston, RPh., Executive Director; Nicole McKay, DAG; Lisa Culley and Jaime Sommer, Compliance Officers; Ellen Mitchell and guests.

Dr. de Blaquiere motioned to accept the minutes of the August 13, 2013 meeting, and Dr. Henggeler seconded. Dr. Chopski noted a minor change on page 2. Dr. Jonas motioned to approve the minutes with minor corrections, and Dr. Henggeler seconded. The motion carried unanimously. Dr. de Blaquiere motioned to approve the minutes of the August 14, 2013 meeting, and Dr. Henggeler seconded. The motion carried unanimously.

Dr. Chopski asked Mr. Johnston to open the Public Comment period. Mr. Johnston read written comment from:

- Lorri Gebo-Shaver, RPh, who supports USP 795 and USP 797 and requested clarification for the term “very limited” as used in proposed rule 239.03.b.

- Mr. Johnston, who requested non-substantive changes to proposed rule 604

- Dr Chopski, who requested the use of the word “compounder” as opposed to “pharmacist” in two locations and non-substantive changes to proposed rule 239.

- Lis Hochen Regional Director for NACDS, who requested that “written” be changed to “available” and that “practice” be replaced with “compounding being performed” within proposed rule 239.

Pam Eaton, Executive Director of ISPA and IRA provided verbal comment in which she supported NACDS’ comments, requested an exception to the policy and procedures manual in proposed rule 239 for pharmacies that infrequently compound, and requested clarification that flavoring is not considered compounding.

Hearing no further public comment Dr. Chopski called for Legislation & Rule review. Mr. Johnston presented proposed rules of the Idaho Board of Medicine. The Board took no action.

Mr. Johnston briefly presented a bill that was recently introduced in Congress: The Drug Quality and Security Act. Mr. Johnston believes that the compounding version of the bill has many flaws, presented an opposition letter from IACP, and explained that the bill combines efforts to regulate compounding with a track and trace bill.

Colleen Zahn, DAG presented the Stipulation & Order in Case BOP 13-052 Scott A Johnson, DDS. Dr. Johnson’s Controlled Substance (CS) registration expired in 1997. During a review of Prescription Monitoring Program records Fred Collings, Chief Investigator for the Board discovered Dr. Johnson had purchased zolpidem and hydrocodone from Medicine Man West Pharmacy in November 2012. Further investigation revealed Dr. Johnson had also purchased benzodiazepines without a valid CS Registration. Mr. Collings met with Dr. Johnson at his office to review security and dispensing records of controlled substances that had been purchased. Dr. Johnson showed Mr. Collings the lock box secured to the wall inside a cabinet in his office that he stored the drugs in along with the dispensing log book. At the conclusion of the visit it was determined the lock box and log book only had hydrocodone and benzodiazepines; there was no record of zolpidem in the log book. Dr. Johnson also failed to maintain the required annual inventory of controlled substances as required by state law. Dr. Johnson stipulated to having no controlled substances in his office or personal property that were not prescribed to him and would only issue written controlled substances prescription drug orders for patients. Dr. Henggeler motioned to accept the Stipulation as written. Dr. Jonas seconded, and the motion carried unanimously.

Ms. Zahn presented the Stipulation & Order in Case BOP 13-061 Brian J Christiansen, PharmD. Dr. Henggeler recused herself from this case due to her professional relationship with Dr. Christiansen. Through Southworth Associates, who administers the Board’s Pharmacy Recovery Network, Dr. Christiansen was admitted to an inpatient substance abuse program in June 2013, at which he stayed 90 days. He stipulated that he will comply with all terms of his PRN contract, follow all federal and state laws, and cooperate with the Board and its agents. Dr. de Blaquiere noted minor typos in the

stipulation that were corrected inline during the meeting. Dr. de Blaquiere motioned to accept the stipulation with the corrections; Mr. Sperry seconded; 3 in favor, 1 recused, the motion carried.

Ms. Zahn introduced Scott Zanzig, DAG who will be assisting her with the Board of Pharmacy case load.

Mr. Johnston presented the Board travel calendar, adding his recent visits to Lewiston to present the Board's pending rules to Rep. Rusche and Moscow to present the Board's pending rules to Senator Schmidt. Mr. Johnston reminded the Board that the ISPA/ISHP Legislative Reception is scheduled for the evening of January 20 and the next Board meeting is scheduled the following day. Dr. Chopski added that she will be attending the ASCP conference in November. Dr. Chopski, Dr. de Blaquiere, and Dr. Henggeler indicated that they would be in attendance at the NABP annual meeting, while Dr. Jonas is considering attending a portion of the meeting.

After a discussion of Board meeting dates Dr. Jonas motioned to conduct a meeting in conjunction with the Northwest Pharmacy Convention in Coeur d'Alene annually if the budget allows. Dr. de Blaquiere seconded, and the motion carried with Dr. Henggeler opposed.

Misty Lawrence, Management Assistant, presented the financial review and 2015 budget submission in great detail. The Board has considerable personnel savings due to FMLA and vacant positions, contributing to the Board being well under budget so far this fiscal year. The 2015 budget request includes upgrades to the new licensing system, compliance staff training, a fingerprint card scanner, a sound system for Board meetings, personnel appropriation to hire for the Board's vacant FTE and ongoing costs. Mr. Johnston commented on Ms. Lawrence's superior job performance.

Mr. Johnston presented a request for delegated authority for the Board's staff to add to the routine violation list the submitting of incorrect data to the PMP by pharmacies, when pharmacists choose the wrong provider upon filling a prescription. This incorrect data entry threatens the integrity of the system by providing poor information to users of the PMP. After discussion the Board would like to take an educational approach to this issue and directed Mr. Johnston to pen an article for the December 2013 newsletter stressing the importance of selecting and submitting correct data to the PMP. Dr. Chopski requests an annual review of all delegated authority that been granted to Board staff.

Dr. Jonas motioned to enter executive session as authorized by Idaho Code 67-2345(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. Mr. Sperry seconded, all in favor, motion carried unanimously. The Board entered executive session at 4:29 pm. Dr. Jonas motioned to leave executive session and adjourn until 8:00 am, October 24. Mr. Sperry seconded, and all were in favor. The meeting adjourned 4:59 pm.

MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
October 23-24, 2013 (Day 2)
Idaho State Capitol Building, Boise, Idaho

This meeting of the Board was held to conduct regular Board business

Chairman Nicole Chopski, PharmD, called the meeting to order at 8:17 a.m. In attendance were Board members Holly Henggeler, PharmD; Rich de Blaquiere, PharmD; Ed Sperry, Public Member; and Kristina Jonas, PharmD, as well as Mark Johnston, RPh., Executive Director; Nicole McKay, DAG; Lisa Culley and Jaime Sommer, Compliance Officers; Ellen Mitchell and guests.

Wil Edwards, PharmD attended the Board meeting telephonically with Trisha Quiring and Carolyn Shoemaker, PA, to request interpretation of Board Rule 710.01 Retail Telepharmacy With Remote Dispensing Sites. Dr. Edwards would like to operate a satellite pharmacy at the Troy Clinic from Gritman Memorial Hospital in Moscow. Though there are only 12 miles between towns, northern Idaho can experience extreme weather during the winter months. The Troy Clinic serves 1500 - 2300 patients; most of who are on Medicare/Medicaid and travel can be burdensome. After much discussion Dr. Henggeler motioned to deny the request as she doesn't believe it meets the criteria set forth in Board Rule. Dr. Jonas seconded. Following further discussion Dr. Chopski called for a vote on the motion; Drs. Jonas and Henggeler were in favor of the motion to deny, Dr. de Blaquiere and Mr. Sperry were against. Dr. Chopski voted against and the motion failed. Mr. Sperry motioned to table the discussion until the January meeting and requested that Dr. Edwards gather more information to bring to the Board. Dr. Henggeler seconded. After further discussion Mr. Sperry amended his motion to table the issue until the next meeting allowing Board members time to travel to Troy and/or the existing remote dispensing site in Council, Idaho. Mr. Sperry asked Dr. Edwards to have more information available regarding the rural area and the business plan. Dr. Henggeler seconded, and the motion carried unanimously.

The Board deliberated on the public comment heard and read at yesterday's Board meeting. Via unanimous consent, the Board directed Mr. Johnston to draft the following changes and submit as pending rules:

- 239.02.d: Add the word "and" after "bags" and before "containers".
- 239.02.a: Strike the words "the pharmacist" after "vendor" and the word "one" after "procured" and add the word "one" after "vendor" and "be" after "must".
- 239.03.b: Strike "very".
- 239.03.e: Replace "reconstitution" with "exceptions" and add "or the addition of a flavoring agent to a drug product".
- 239.04.a: Strike "be written to" and replace the last use of "practice" with "compounding being performed".
- 239.04.a.i: Add "handling, transport".
- 239.04.a.iii: Replace "identifying" with "Determining".
- 239.04.a.vi: Replace "inspecting" with Auditing" and add "environmental sampling" after "routine".
- 239.04.a.viii and ix: strike in full.
- 239.04.a.x: renumber to viii and strike "and"
- 239.04.c: add at the beginning "except for drug products that are being compounded for direct administration" and strike "that are not for immediate administration".
- 239.04.c.v and 239.04.d.ii.(7): Replace "pharmacist" with "compounder".
- 604.03.a: Strike the "s" from "diversions".
- 604.03.b.: Add "and" before "solid" and "so" before "that".

- 604.03.h: Strike “the” before “secured” and add “area” after “delivery”.

- 604.03.i: Replace “shall” with “must” and strike “and”.

- 604.04.c: Strike “Section 262(the”, “)of these”, and the “s” within “rules”.

Dr. Chopski asked Mr. Johnston to frame Bill Beck’s request for reinstatement of his Idaho Pharmacist license. Mr. Beck attended the meeting telephonically. Mr. Beck has been away from the true practice of pharmacy for approximately 20 years, but he recently completed a combination of 400 hours of internship at a hospital pharmacy and a retail pharmacy. After discussion, Dr. Henggeler motioned for Mr. Beck to pass the NAPLEX prior to reinstatement. Mr. Sperry seconded. After further discussion, Dr. Chopski called for a vote. Dr. Henggeler and Mr. Sperry voted in favor of the motion to require Mr. Beck to pass the NAPLEX prior to licensure, and Drs. de Blaquiere and Jonas voted against. Dr. Chopski voted in favor, and the motion carried.

Dr. Chopski opened a discussion regarding the length of time it takes to receive fingerprint results back from the Idaho State Police (ISP) when applicants are applying for licensure/registration. The Board recently experienced delayed results of up to six weeks. Mr. Johnston contacted ISP about the delay and was told there were staff shortages and they were authorizing overtime to get caught up. The Board directed Mr. Johnston to bring a solution to the issue to the January 2014 meeting.

Jaime Sommer, Compliance Officer presented the Board with a prescription bottle from the InstyMed machine housed at Madison Memorial hospital and enjoyed the NABP training on sterile compounding.

Hearing no further discussion Dr. Henggeler motioned to adjourn, Mr. Sperry seconded, and the motion carried unanimously. The meeting adjourned at 2:20 pm.