MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
July 29, 2013
Conference Call
Board office – Boise, Idaho

This meeting of the Idaho Board of Pharmacy (Board) was held to conduct regular Board business.

In attendance at the Board's office were Board members Ed Sperry, Public Member, and Kristina Jonas, PharmD, as well as Mark Johnston RPh, Executive Director, and Berk Fraser RPh, Deputy Executive Director. In attendance via teleconference were Board members Nicole Chopski, PharmD, Holly Henggeler, PharmD, and Rich de Blaquiere, PharmD, as well as Nicole McKay, DAG, and Lis Houchen of the National Association of Chain Drug Stores (NACDS).

Mr. Johnston took roll call. Chairman Chopski called the meeting to order at 8:05 am and asked Mr. Johnston to lead the agenda item entitled Legislation and Rule review.

Mr. Johnston introduced a draft docket of rules that included housekeeping changes to rules 029, 035, 111, 112, 202, and 605. The docket also included draft changes to rules 050, 051, 052, and 330 that would require all continuing pharmacy education to be either ACPE or CME accredited. Additionally, the docket included the Board's work on "secured delivery rooms" which now manifests as draft changes to rule 604. Mr. Johnston presented two small changes to the draft. After discussion, the Board had no additional draft changes to this docket of rules.

Mr. Johnston introduced a draft bill that would change Sections 54-1723A, 54-1729, and 54-1754, Idaho Code, clarifying that a non-resident drug outlet may be located within U.S. territories and that wholesalers must only distribute controlled substances to persons who hold valid Drug Enforcement Administration (DEA) and Board controlled substance registrations. Dr. de Blaquiere wanted clarification that non-resident drug outlets can not be located in foreign countries. Ms. McKay read Section 54-1723A(a) which mandates that a non-resident drug outlet must be located in a state. Dr. Chopski wanted clarification that "state" refers only to a United State. Ms. McKay is to research and report back at the August meeting.

Mr. Johnston presented a draft bill that would change the Uniform Controlled Substance Act's schedule of controlled substances to mirror changes that the DEA has recently finalized and explained that the Board's staff would like to update the schedules to reflect products that the DEA has exempted from scheduling. A discussion surrounding exempted steroids ensued.

Mr. Johnston presented a draft bill that would allow peer assistance entities access to Prescription Monitoring Program (PMP) data, pursuant to Southworth Associate's prior request and the Board's subsequent direction. Dr. de Blaquiere sought clarification that such access will be via faxed requests and not on-line access to the entire PMP database.

Mr. Johnston presented three small draft changes to the Board's compounding docket of rules. Dr. de Blaquiere requested that the incorporation by reference of the FDA's 'compounding compliance policy guide' be limited to Appendix A. Ms. McKay is to research and present back at the August meeting. Dr. Jonas requested an exemption for retail pharmacies that only rarely compound with commercially available drug products and not bulk drug products; for fear that patients will compound such products themselves, creating a public safety issue. Chairman Chopski spoke against the request, as she feels the rules are not too onerous to deter such compounding. Ms. Houchen reported that NACDS members have not voiced such a concern. Mr. Johnston has asked the Idaho Retail Association (IRA) if they have such a concern. The Board tabled the lengthy discussion until the August meeting, pursuant to IRA's potential comments. Mr. Johnston asked the Board to consider a fee increase for sterile compounders. Dr. de Blaquiere reflected the feeling of the Board, by requesting that the Board's staff conduct a financial impact study of the rules, if they go into effect, before considering a fee increase.

Mr. Fraser presented the agenda item entitled Pharmacy Security and Patient Counseling Areas, including a detailed document that contained pictures, blue prints, and explanations of various pharmacy layouts, as the Board has received several new or remodeled pharmacy applications recently. In particular, Mr. Fraser would like to know if the Board intended "audio and visual privacy" in rule 603.03.a to mean "total and complete" privacy, such as a private counseling room would afford. Dr. Jonas and Dr. Henggeler announced that they recognize certain materials as representing pharmacies that their employers own, but that they can be impartial when discussing and voting on this agenda item. After much discussion, the Board determined that vague rule language is appropriate, as every application should be considered separately with its own unique circumstances, and that total and complete privacy was not intended when promulgating rule 603. The Board also leant guidance to a particular set of blue prints by suggesting that additional privacy was required beyond what the pictures and blue prints represented, due in part to the counseling area being located in close proximity to the main door of the larger mercantile establishment. Mr. Fraser then asked if rule 605.03, b & c, entitled Pharmacy Security, only pertained to closed pharmacies. The Board believed that a security gate that enclosed a pharmacy negated the necessity of such rule. Mr. Fraser further inquired if doors were required on pharmacy access points

that were revealed once the security gate was open. The Board did not believe that such access to the pharmacy required doors.

Dr. Chopski asked for unanimous consent for all Board direction given at this meeting. The Board was in agreement.

Dr. Henggeler motioned to adjourn at 9:50 a.m. Dr. de Blaquiere seconded. The motion passed unanimously.