

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
January 19, 2015**

Holiday Inn, Boise, Idaho

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 1:00 p.m. In attendance were Board members Nicki Chopski, PharmD; Rich de Blaquiére, PharmD; Kris Jonas, PharmD; and Ed Sperry, Public Member, as well as Mark Johnston, RPh, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Ellen Mitchell and guests.

Mr. Sperry motioned to approve the minutes of the October 22-23, 2014 meeting with minor corrections; Dr. Chopski seconded, and the motion carried unanimously.

The Board took up the matter of the reinstatement application submitted by Bradley Owens, PharmD. Dr. Owens appeared before the Board without legal counsel. Dr. de Blaquiére recused himself due to a previous relationship with Dr. Owens. After Dr. Henggeler called the hearing to order and swore Dr. Owens in. Mr. Sperry asked about Dr. Owens' PRN contract. Dr. Owens stated he has 3 years remaining on his contract, still attends AA meetings and has been sober for 2 years. The Board received a letter from Southworth Associates indicating Dr. Owens' compliance with PRN. Dr. Chopski asked Dr. Owens how he has afforded the inpatient treatment and the follow-up without pharmacist wages as the Board has often heard how expensive PRN can be. Dr. Owens indicated that had worked at a gas station making minimum wage and borrowed what he didn't have to make it work. He has recently been working at Kaniksu Health Services reviewing patient charts and acting as a 'fact finder' for physicians. He reiterated that everyone involved is careful to maintain the boundary of his not practicing pharmacy; he is digging out the facts related to the patient use of pain medications and not making any clinical decisions. The clinic has had a reputation for being an easy place to obtain pain medications; Dr. Owens' position is an effort to get the physicians the information they need to treat the patient appropriately. Thomas Lawrence, MD, Chief Medical Officer of Kaniksu Health and Bonner County Drug Court member submitted a letter supporting the reinstatement of Dr. Owens' pharmacist license and is willing to implement and manage any monitoring or reporting the Board or PRN may require.

Dr. Chopski thanked Dr. Owens for being candid in sharing his story. During further questioning Dr. Owens testified that his criminal charges have been dismissed and he is free of the criminal justice system. Dr. Chopski motioned to approve the application to reinstate Dr. Owens license, Mr. Sperry seconded. During discussion Dr. Chopski clarified Dr. Owens' current position is in a clinical setting and there is no med room on site. Dr. Owens confirmed there is no med room, though there are medications on site for procedures. Dr. Jonas requested that the provision of not acting as PIC until the end of the PRN contract be added to the motion. After discussion Dr. Chopski amended her motion to reinstate Dr. Owens' pharmacist license with the provisions of continuing with PRN until the contract expires and he may not act as PIC for the length of the PRN contract. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of the reinstatement application submitted by Lonnie Huntsinger, PharmD. Dr. Huntsinger appeared before the Board without legal counsel. Dr. Henggeler called the hearing to order and swore Dr. Huntsinger in. Dr. Huntsinger offered testimony regarding the 15 months since he entered treatment. He testified he had practiced pharmacy

approximately 12 years before he began diverting controlled substances and diverted for about a year before being confronted. Dr. Jonas asked if he had a plan for employment if his application is approved. Dr. Huntsinger testified he has friends that work in the insurance industry that are in need of clinical pharmacists and he desires to work in a clinical setting. Dr. Chopski noted Dr. Huntsinger's criminal order requires he serve 5 years of probation. Dr. de Blaquiére is concerned about the proximity of drugs in the pharmacy, Dr. Huntsinger doesn't believe the practice setting is an issue for him though he would like to be in a clinical setting. After further questioning Dr. Huntsinger testified he has 50 hours of community service to complete before he can petition the courts for dismissal of his withheld judgment. Dr. Jonas motioned to deny the application until the criminal probation is complete. Dr. Chopski seconded. After further discussion Dr. Henggeler called for the vote, Drs. Jonas and Chopski in favor of denying the application, Dr. de Blaquiére and Mr. Sperry against, Chairman Henggeler voted in favor, motion to deny the application carried.

The Board took up the matter of Eric Walz, Technician in Training applicant that was denied by Board staff based on criminal history. Mr. Walz also falsified his application by not disclosing his criminal history Mr. Walz appeared without legal counsel and offered the Board 3 letters speaking to his character. Dr. Henggeler swore Mr. Walz in and gave Mr. Walz the floor. Mr. Walz shared with the Board the conviction was 15 years ago and he has had no further issues with the law. He is currently a student at BSU Health Sciences with a focus on chemistry, he hopes to become a physician assistant. Mr. Sperry clarified Mr. Walz didn't disclose the conviction on his application on advice from his hiring manager. During further discussion Mr. Walz clarified all legal issues have been handled, and he was released from probation in 2002. The felony conviction remains on his record and he has not attempted to have it expunged. The issues at hand are the criminal conviction and failure to disclose or falsifying an application. Dr. Jonas motioned to approve the application and fine Mr. Walz \$500 for falsifying the application, Mr. Sperry seconded, and the motion carried unanimously.

Mr. Johnston presented the Board's financial report indicating 53% of the year has elapsed, and we've expended roughly 47% of the appropriation for FY15. The Governor approved of the budget that was presented by Misty Lawrence at the last Board meeting, except that certain replacement vehicles were not authorized.

Mr. Johnston presented an update on NABP's inspection project. We have provided NABP with copies of all our inspection reports. Mr. Johnston is in the process of contracting with NABP to provide 'buddy training' to our inspectors. NABP is ready and able to provide this service, if the compounding rules are passed by the 2015 Idaho Legislature.

Mr. Fraser and Mr. Sperry attended the steering committee meeting in Chicago. Mr. Sperry indicated the first meeting was getting everyone's wish list on the table and satisfy the most technical state. The form will be electronic and will self-populate based on each state. Mr. Fraser reiterated Idaho can only inspect what is required by Idaho law and is unable to enforce NABP or federal guidelines.

Mr. Fraser will update the Board of the PTCB project by email.

Mr. Fraser updated the Board of the current round of continuing education audits. Of 100 randomly selected pharmacists both in and out of state, 20% had issues. Dr. Jonas takes issue with the falsification of a renewal application when the pharmacists attested to having completed their requirement and did not.

Mr. Johnston presented the Board Policy and Delegated Authority documents for annual review. Under August 13-14, 2013 the Board directed modification of the statement as shown here

The Board delegated authority to Board staff to stipulate to a \$500 fine for application falsification, ~~including falsification of continuing education hours.~~

Mr. Johnston presented information from Claire Brennen, DEA supervisor for Portland and Boise regarding the information that can be changed on a schedule II prescription. Mr. Johnston published Board policy regarding this topic in December 2014. Board granted unanimous consent to re-write the policy and re-publish in the next newsletter. The date that each multiple CII prescription can be filled is considered part of the instructions and therefore can be changed by a pharmacist pursuant to prescriber authorization.

Dr. Henggeler asked for public comment. Pursuant to the Board's discussion of continuing pharmacy education, Dennis McAllister shared some history concerning the creation of NABP's CPE Monitor.

Dr. Jonas motioned to adjourn the meeting, Mr. Sperry seconded and the motion carried unanimously. Meeting adjourned 3:54 p.m.