



Idaho State Board of Pharmacy

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MINUTES OF THE IDAHO STATE BOARD OF PHARMACY January 18-19, 2016

Holiday Inn – Boise Airport
Boise, Idaho

January 18, 2016

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

Chairman Rich de Blaquiere, PharmD, called the meeting to order at 1:00 p.m. In attendance were Vice Chairman Kristina Jonas, PharmD; Board members Nicki Chopski, PharmD; Holly Henggeler, PharmD; Alex J. Adams, PharmD, MPH, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator, and several members of the public.

Dr. Chopski motioned to approve the minutes of the October 28-29, 2015 meeting with minor technical corrections. Dr. Jonas seconded. After a brief discussion, Dr. Chopski amended her motion to include verification of Dr. Henggeler's vote in the St. Luke's Elmore administrative complaint hearing, Dr. Jonas seconded, motion carried unanimously.

Dr. Chopski motioned to approve the minutes of the November 19, 2015 conference call, Dr. Jonas seconded, motion carried unanimously.

Dr. de Blaquiere asked Dr. Adams to lead the discussion regarding a Board Performance Dashboard. Being new to the Board, Dr. Adams has a priority of increasing transparency around key performance metrics on areas of internal operations. Dr. Adams has tasked senior board staff with creating a list of measure concepts that would illuminate performance to bring to the April 2016 meeting. This will allow the Board to choose which items are measured and to set goals for those measures. Once the Board chooses the measures, performance data will be provided to the Board at every subsequent meeting to identify areas of strong performance as well as areas for improvement. The goal is to obtain the optimum level of performance without sacrificing quality of work or attention to detail. Following a brief discussion, Dr. Chopski shared her appreciation for the direction and voiced support for measures related to resolution of complaints and inspections. The Board is looking forward to seeing the list in April and moving forward with this project.

Mr. Sperry arrived at the meeting at 1:20 p.m.

Dr. de Blaquiére asked Dr. Adams to lead the discussion regarding strategic planning meeting on April 9, 2016. Dr. Adams recently attended an Oregon Board of Pharmacy Strategic Planning meeting. The Oregon Board chose three to four big picture topics to discuss thoroughly and create an action plan. Some topics suggested by Dr. Adams include optimizing the role of pharmacy technician, exploring a risk-based inspection strategy, and optimization of the prescription monitoring program. Dr. Henggeler asked Dr. Adams to solicit input from the pharmacy community prior to the April meeting. This solicitation will take place through a survey process as well as informal meetings held across the state. The Board's strategic plan is for a five-year period and is due to the Governor's office in July.

The Board addressed the letter submitted by Mr. Sperry following the August 2015 meeting. In his letter Mr. Sperry expressed concerns over the length of the discussion of the waiver request from Vic Family's Pharmacy. Mr. Sperry feels the Board's security rule is too restrictive, and he believes that a pharmacy owner has a more vested interest in securing their pharmacy and will do so without specific Board rules. Dr. Adams provided a history of the pharmacy security rule. Dr. Adams also reviewed the data on pharmacy robberies and burglaries since 2005; 85% of such events occur when the pharmacy is open for business. Further, Idaho seems to be an outlier in terms of the specific delineated security requirements according to a legal environmental scan. Dr. Adams provided the Board with two options of re-writing Rule 600 Pharmacy Security for to allow more flexibility. The Board would like to allow for some flexibility in how pharmacies are secured and maintain the ability to discipline if someone is egregiously negligent. Following discussion the Board directed Dr. Adams to pursue changes to Rule 600 for the next legislative session and exercise enforcement discretion in the interim. Specifically, the Board requested a draft that removes most of the specific delineated security provisions, with the exception of those requiring the use of an alarm system and provisions for pharmacies within larger stores in which there are differential hours of operations.

The Board took up the matter of the waiver request submitted by Charles Ashton, PharmD of Portico Pharmacy. Dr. Ashton is asking for a waiver of Rule 600.3 which requires solid core or metal doors on the pharmacy. The pharmacy has recently sold their long term care business and cut their pharmacy space in half. After a brief discussion Dr. Chopski motioned to use enforcement discretion, as to structural equivalence, Dr. Henggeler seconded, the motion carried with Mr. Sperry abstaining. Dr. Chopski asked Dr. Adams to pen a future newsletter article on how to apply for a waiver.

Ken McClure, a lobbyist representing the Amgen and the Idaho Medical Association, presented proposed legislation entitled '*54-1769 Communication of Drug Product Selection for Biologic Products*'. Mr. McClure has worked with Dr. Adams on the proposed language, which has been significantly scaled back from previous versions. The language is modeled after legislation that has passed in both Washington and California; he is seeking approval and support from the Board.

The proposed legislation would require communication from the pharmacist to the prescriber within five (5) business days following the dispensing of a biological product, though certain circumstances would nullify the need for communication. Further the communication may occur through a variety of mechanisms. Importantly, the communication may occur after the fact and is not intended in any way to delay the dispensing of a needed biologic product.

Mr. McClure indicated that physicians are concerned with product selection as some patients take significant time to develop issues, and in such cases the physician needs to have a mechanism to access information regarding the biologic product actually dispensed to the patient quickly. Mr. McClure indicated there are many physicians that do not support this legislation as they believe it does not go far enough, though the group compromised given concerns raised by Dr. Adams and others.

Dr. Adams received confirmation on the following points regarding legislative intent from Mr. McClure:

- Notification is required five days after “dispensing,” with dispensing meaning after the prescription is received and in the possession of the patient.
- As the legislation is under title 54 it will be up to the Board of Pharmacy to enforce.
- Prescriptions processed through PBM for claims processing meet the definition of “presumptive notification;” when pharmacies adjudicate claims the pharmacist has no way of knowing if the physician can or cannot access the system. Mr. McClure agreed that in such cases the notification requirement is met regardless of if the prescriber has any actual means of accessing the information, and the Board would not be expected to enforce such a case.
- The burden of educating prescribers on accessing PBM systems, among others, is on the IMA and related groups.

Dr. Chopski commented the physicians are going to know if there is a substitution due to the pre-authorization process required by most insurance companies. Her suggestion is for the physician to write ‘do not substitute’ on the prescription, which will require a phone call to the physician prior to substitution. Dr. Chopski also indicated that Idaho already has a notification requirement for epilepsy medications if the prescriber clearly opts-in to the notification.

Mr. McClure indicated this legislation is different from the legislation relating to epilepsy and seizure drugs as it applies to all biological medications not a specific disease state; and his proposed legislation has been adopted in 15 states to date.

Dr. Adams asked Mr. McClure if his group would entertain adding an exception for prescribers that didn’t indicate on the front of the prescription that they wanted notification, and in such cases that no notification would be required. Mr. McClure indicated that he would need to discuss this with his partner organizations.

Following further discussion the Board chose to remain neutral on this legislation. The Board thanked Mr. McClure for presenting the proposal to them prior to it going to the legislature.

Dr. Adams noted that several manufacturers have approached Board staff about how its biosimilar substitution rule defines biologic products, as some products were approved prior to the Affordable Care Act and their therapeutic equivalents will be listed in the FDA Orange Book, not the FDA Purple Book. The Board indicated it is their intention for pharmacists to be able to substitute any appropriate product deemed by the FDA. Dr. Adams will look into the necessity of a temporary rule, or will work with counsel to determine if biologic products in the Orange Book are already covered by the Board's drug product selection rule.

Following a brief recess, Dr. de Blaquiére asked Dr. Adams to provide an update on the status of the Board's agency legislation and rule dockets. Dr. Adams shared that the Board's five rule dockets have been reviewed and approved by the House and the Senate committees of jurisdiction. The Board was complimented for its use of negotiated rulemaking sessions and few unresolved questions were raised:

- Senator Dan Schmidt questioned Rule 630. There is a potential inconsistency in the current emergency room dispensing rules and the new institutional dispensing rules based on the *Abbott Labs vs. Portland Retail Druggists* case.
- Senator Lee Heider suggested defined 'substantially constructed cabinets' in conjunction with the new rules governing storage of controlled substances.

Dr. Adams will gather information regarding these two topics for the April meeting.

Dr. Adams further shared that all six pieces of agency legislation were introduced into the House Health & Welfare committee and that hearings were scheduled on each for February 1. Dr. Adams indicated that groups are starting to come to the Board with external legislation that relates to the Board or pharmacy practice. One bill coming before the House Health & Welfare committee relates to delegates accessing the prescription monitoring program (PMP). With the passage of legislation in 2014 requiring prescribers to register with PMP, registration has increased, though use of the system has remained low. Though delegates are not specifically listed, the Board has, by policy, allowed one delegate per prescriber to access the system. Delegates are the most active group of users on a percentage basis. The legislation being presented to the legislature will give clearer statutory authority to delegates to access the PMP on behalf of a prescriber or a pharmacist, and limit the number of delegates to four per prescriber or pharmacist.

Dr. Adams presented the 2016 Rules Workbook for Board review. The workbook contains rules change ideas that have come up over the last several months during Board discussions or from individual Board members. The Board remains committed to conducting all rule business through negotiated rulemaking sessions, and open proposed rulemaking sessions. The intent of this initial discussion is to solicit feedback

on what research or presentation Board members would like to better inform their decision-making process as they head into negotiated rulemaking in August. The topics that the Board discussed included:

1. Medication Error Reporting
2. Medication Synchronization
3. PIC Oversight of Multiple Pharmacies
4. Pharmacy Work Activity During Pharmacist Breaks
5. Telepharmacy
6. Expanding Tech-Check-Tech
7. Emergency Kits at Infusion Clinics
8. Defining Hospital 'Daily Delivery System'
9. Prepackaged Product Labeling
10. Pharmacy References
11. Biologic Substitutions
12. NAPLEX Retake Requirements

Dr. Chopski voiced her desire for Telepharmacy to be top priority. Following discussion and review, Dr. Adams will modify the language and bring it to the April meeting. He will also coordinate a Tech-Check-Tech presentation for a future meeting.

Roby Miller from Telepharm presented his company's telepharmacy software. Mr. Miller provided an overview of the history of telepharmacy, core elements from other state's laws and rules, and noted future applications of telepharmacy practice beyond just rural settings.

Dr. Adams presented a draft policy on Reinstatement After Discipline that the Board had previously reviewed in October 2015. The policy defines "reasonable interval" as once per 12 month period, beginning on the date that the Board issues its disciplinary order, unless other conditions are satisfied. Following a brief discussion, Dr. Henggeler motioned to approve the policy as written effective February 1, 2016. Dr. Jonas seconded, motion carried unanimously.

Dr. Adams presented information related to the most recent pharmacist continuing education (CE) audit. Mr. Fraser conducted 100 pharmacist audits, of those 36 pharmacists failed to meet the minimum requirements of CE; of the 36 that failed, 7 had completed no CE over a two year period. There are currently 2 penalties listed in the delegated authority (DA) document for CE violations. Following discussion Dr. Henggeler motioned to accept staff recommendation and impose both instances of DA for those who completed 25 or fewer hours of CE over the two year period.

- \$50 per incomplete CE
- Double the requirement for each missing CE credit the following year
- \$500 for falsifying an application to the board

Those pharmacists who completed 26 to 29 hours of CE were not assessed the \$500 penalty this year. Dr. Jonas seconded, motion carried unanimously. Dr. de Blaquiére

directed Dr. Adams to pen another article on CE as additional notification to pharmacists.

Mr. Sperry motioned to print the names of those disciplined in the newsletter versus the initials. Dr. Chopski seconded. Mr. Sperry and Dr. Chopski for, Drs. Henggeler and Jonas opposed. Dr. de Blaquiere was opposed breaking the tie. Motion failed.

Dr. Adams presented the travel calendar. Dr. Chopski will attend the National Association of Boards of Pharmacy (NABP) meeting in May and will serve as the Board's delegate.

Misty Lawrence presented the financial report. The Board was given a packet that included a current fiscal year budget to expenses comparison, the complete FY17 budget request and the Executive Director's expenses and travel since the last board meeting. During the presentation Ms. Lawrence stated that As of January 7, 2016, 53% of the fiscal year has elapsed and the board had expended 50.84% of the Personnel budget, 40.86% of the Operating budget and 0% of the Capital Outlay Budget. In total the board has expended 45.44% of its appropriation, the annualized budget shows the board is underspent by 14.62%. A slide was shown to compare the current and last three fiscal years to show that this in a normal trend. The slide also compared revenue flow to expenditures showing the boards current revenue is 3% lower than expenditures and that the current revenue flow is 4.5% higher than last fiscal year at this time. Ms. Lawrence then reviewed the FY17 budget request. The Board requested a supplemental appropriation for 1 FTP and \$21,000 to hire an IT Systems Integration Analyst in the current fiscal year. The request was heard by JFAC on the 15th and was unanimously approved. This position will be annualized as maintenance in the 2017 budget for the amount of \$52,000. Additional maintenance line items including CEC, 27th payroll, SWCAP, inflation, and change in benefits cost totaled \$63,500 for a total maintenance request of \$115,500. The Board has 4 line item requests including \$62,000 for AWARxE system maintenance, \$250,000 one-time to build a new licensing system, \$17,000 for office space expansion, and \$6,700 for Board member pay if House Bill 336 passes. The total FY17 budget request include \$1,144,800 in Personnel, \$625,500 in Operation, and \$250,000 in Capital Outlay for a total request of \$2,020,300. Ms. Lawrence indicated that the budget will be heard by JFAC on January 22nd and will be set about the third week in February.

Dr. Jonas motioned to adjourn the meeting until tomorrow morning, Dr. Henggeler seconded, motion carried unanimously. Meeting adjourned 6:07 p.m.

January 19, 2016

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

Chairman Rich de Blaquiere, PharmD, called the meeting to order at 8:00 a.m. In attendance were Vice Chairman Kristina Jonas, PharmD; Board members Nicki Chopski, PharmD; Holly Henggeler, PharmD; Ed Sperry, Public Member; Alex J.

Adams, PharmD, MPH, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Lisa Culley, CPhT, Jaime Sommer, and Wendy Shiell, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator, and several members of the public.

The Board took up the matter of the Consent Agenda containing proposed Stipulation and Consent Orders for Brian Christensen, PharmD, Karen Dawson, PharmD, Madhavi Padigala, RPh, Sean Parrish, PharmD, Jenny Vo, PharmD, VRX Pharmacy, Heather Anderson, PharmD, Roger Wood, RPh, and Jacqueline Foster, PharmD. Dr. Henggeler motioned to approve Christensen, Padigala, Parrish, VRX and Foster. Dr. Henggeler amended her motion to remove Vo, Dr. Jonas seconded. Following discussion Dr. Henggeler amended her motion to remove Christensen. Dr. Jonas seconded. During discussion Dr. Chopski indicated that she did not want to remove VRX from the consent agenda, but asserted that she felt the fine was small for VRX as they continued to ship product after they were notified their license had lapsed, Dr. Henggeler was in agreement. The motion carried unanimously.

- Madhavi Padigala, RPh failed to disclose disciplinary action in another state. By signing the Stipulation and Consent a \$500 fine was assessed for falsifying an application to the Board.
- Sean S. Parrish, PharmD entered into a five year contract with Southworth Associates, his controlled substance registration is conditioned and he must remain in compliance with his PRN contract for the contract term.
- VRX Pharmacy continued to ship product into Idaho without a valid registration, by signing the Stipulation and Order they agreed to pay a \$2,000 administrative fine.
- Jacqueline N. Foster, PharmD inadvertently filled a canine lysodren prescription with excessive tablets, Dr. Foster provided a stock bottle of 100 tablets when the prescription called for 8. By signing the Stipulation and Consent Order she agreed to complete Oregon State University (OSU's) 18-hour *Patient Safety and Medication Error Prevention for Pharmacy*.

Colleen Zahn, Deputy Attorney General (DAG) presented the Stipulation and Consent Order signed by Karen L. Dawson, PharmD, to settle the matter of excessive provision of controlled substances. Dr. Dawson filled three (3) tramadol prescriptions, each for a 17 day supply, over the course of 3 days for the same patient. Dr. Henggeler recused herself due to a professional relationship with Dr. Dawson. By signing the Stipulation and Consent Order, Dr. Dawson agreed to complete up to six hours of CE regarding red flag behavior of patients and pay \$2,000 in administrative fines. Dr. Chopski motioned to accept the Order as written, Dr. Jonas seconded, the motion carried unanimously.

Ms. Zahn presented the Stipulation and Consent Order signed by Brian Christensen, PharmD, to settle the matter of excessive provision of controlled substances. Dr. Christensen filled eight (8) hydrocodone prescriptions for the same patient, each for a 30 day supply, over a two month period. By signing the Stipulation and Consent Order

Dr. Christensen agreed to complete up to six hours of CE regarding red flag behavior of patients and pay \$2,000 in administrative fines. Dr. Jonas motioned to accept the Order as written, Dr. Henggeler seconded, the motion carried unanimously.

Ms. Zahn presented the Stipulation and Consent Order signed by Jenny Ngan Hoang Vo, PharmD to settle the matter of overriding a severe allergy warning twice while dispensing Percocet, resulting in patient-reported harm. By signing the Stipulation and Consent Order Dr. Vo agreed to complete up to six hours of CE regarding red flag behavior of patients and pay \$2,000 in administrative fines. During discussion Dr. Henggeler requested there also be a \$500 for failure to counsel. Dr. Chopski motioned to modify the stipulation to remove the six hours of CE regarding red flags and adding OSU's 18-hour *Patient Safety and Medication Error Prevention for Pharmacy*, Dr. Jonas seconded. After further discussion Dr. Chopski amended her motion to include a \$500 fine for failure to counsel. Dr. Jonas seconded, the motion to amend the Order carried unanimously.

Ms. Zahn presented the Stipulation and Consent Order signed by Heather Anderson, PharmD, to settle the matter of filling multiple controlled substance prescriptions without valid prescriptions. By signing the Stipulation and Consent Order Dr. Anderson agreed to pay \$2,000 in administrative fines. Dr. Chopski motioned to reject the Order and have Dr. Anderson appear before the Board during their next meeting, Dr. Jonas seconded, and the motion carried unanimously, stipulation rejected.

Ms. Zahn presented the Stipulation and Consent Order signed by Roger Wood, RPh, to settle the matter of delivery of a Schedule IV substance without a prescription, unlawful delivery of controlled substances, delivery of a misbranded drug and failure to maintain accurate inventories. By signing the Stipulation and Consent Order Mr. Wood agreed to pay \$2,000 in administrative fines. Dr. Henggeler noted Mr. Wood has had previous issues with the Board. Dr. Chopski believed the fine was too light. Dr. Jonas motioned to accept the Order as written, Mr. Sperry seconded, and the motion carried with Dr. Chopski opposed.

The Board took up the matter of Brian Bizik, PA. Mr. Bizik's controlled substance registration was revoked on November 19, 2012 for fraudulently obtaining a controlled substance. Mr. Bizik attended the meeting telephonically without counsel to request reinstatement of his registration. It is noted Mr. Bizik is in compliance with his PRN contract. Following discussion with Mr. Bizik, Dr. Henggeler motioned to approve the reinstatement application, Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of John R. Bronsell, PharmD. Dr. Bronsell appeared in person without legal counsel to request reinstatement of his license and registration. His pharmacist license and controlled substance registration were revoked on December 24, 2014 for diversion of controlled substances. Following being sworn in, Dr. Bronsell presented the status of his treatment, he has completed an intensive outpatient treatment program, attended 90 meetings in 90 days, submitted to random drug testing

and is currently attending meetings three times per week. Dr. Henggeler congratulated him on his progress. He maintains he is not an addict though he has completed the necessary steps to obtain his license. He believes the diagnosis of a use disorder with Ambien, but attributes most of the behavior to his head injury. Following further discussion Dr. Henggeler motioned to approve the reinstatement application, Dr. Jonas seconded. During discussion Dr. Henggeler amended her motion to include a stipulation requiring continued compliance with his PRN contract through its conclusion, Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of Chad Jungert, PharmD. Dr. Jungert appeared in person without legal counsel to request reinstatement of his license and registration. His pharmacist license and controlled substance registration were revoked on September 18, 2015 for diversion of controlled substances. Following being sworn in, Dr. Jungert presented the status of his treatment. He has completed a 90 day inpatient treatment program, continues to attend weekly meetings and submit to random UAs. Following deliberation Dr. Henggeler motioned to approve the reinstatement application with the following conditions

- Not return to work until at least February 17, or as otherwise recommended by Southworth Associates
- Work only part-time
- Not act as Pharmacist-in-Charge (PIC) for the duration of PRN contract
- Current PIC must conduct monthly inventories of benzodiazepines for one year
- Follow all PRN contract requirements

Dr. Jonas seconded, and the motion carried unanimously. Mr. Snook noted that Dr. Jungert could petition the Board if his PRN contract changes.

The Board took up the matter of Robert 'Dain' DeLucia. Mr. DeLucia appeared in person without legal counsel to request approval of his Certified Pharmacy Technician registration. Board staff denied his application based on a past criminal history, which was not disclosed on his application. Following being sworn in Mr. DeLucia answered the Board's questions and relayed that he had answered the application question regarding criminal history negatively as he had his record expunged some years ago. Following deliberation Dr. Chopski motioned to approve the application, Dr. Jonas seconded, and the motion passed with Dr. Henggeler opposed.

The Board took up the matter of Blaine Waller, Pharmacy Technician. Mr. Waller appeared in person without legal counsel. Mr. Waller works for OmniCare of Boise, which has recently experienced an ownership change. Mr. Waller is a 'grandfathered' pharmacy technician and is asking for an exception to the requirement to become a Pharmacy Technician-in-Training or Certified Pharmacy Technician as required upon change of employment or, as in his case, change of ownership of his current employer. After a lengthy discussion Dr. Henggeler motioned to deny the request and allow him

until the expiration his current registration to apply for the appropriate registration. Dr. Jonas seconded. After further discussion Dr. Henggeler amended her motion to reject the request and follow the procedures established by staff, Dr. Jonas seconded. Drs. Henggeler and Jonas for the motion, Dr. Chopski and Mr. Sperry voted against. Chairman de Blaquiére voted for, the motion carried, request denied, Mr. Waller must apply for the appropriate registration within 30 days as established by staff.

Angela Fullmer Gould, Pharmacy Technician-in-Training, attended the meeting to provide an update on her progress as requested by the Board. Ms. Fullmer Gould shared she is progressing well and provided a supportive note by her probation officer. She was recently laid off from her position at Medicap Pharmacy, and was able to secure a new position at Portico Pharmacy. Chairman de Blaquiére thanked her for coming and congratulated her on her progress.

Dr. Henggeler motioned to enter executive session as provided by Idaho Code 74-206(1)(d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code;

Dr. Jonas seconded, motion carried unanimously. The Board entered executive session at 11:02 a.m. Dr. Jonas motioned to exit executive session, Dr. Chopski seconded, motion carried unanimously, session ended at 11:20 a.m.

Chairman de Blaquiére commenced the Administrative Hearing of Marcus Hurst, PharmD. Dr. Hurst attended the meeting without counsel. Dr. Henggeler recused herself due to a professional relationship with Dr. Hurst. Ms. Zahn presented the Board's complaint against Dr. Hurst alleging he filled three (3) zolpidem prescriptions, each for a 30 day supply, over a two month period for the same patient while working for Sav-On. Following being sworn in, Dr. Hurst presented his opening statement indicating he is primarily a float pharmacist working in five different locations. As a float pharmacist he relies heavily on the prescription monitoring program (PMP) when filling prescriptions. Dr. Hurst presented evidence indicating some of the stores he was traveling to did not have access to the PMP due to an outdated browser issue. He provided evidence that he reported the lack of access to the PMP, along with other software issues, to his employer, searching for a resolution to both. During his closing argument Dr. Hurst indicated he has also taken steps to educate himself regarding red flag behavior of patients filling controlled substance prescriptions. He suggested he be given an opportunity to present educational programs throughout Idaho regarding red flag behavior in patients in lieu of a fine. He has talked with many pharmacists in his area that do not know what the PMP is, what it is used for, or how to access it. Following presentation of evidence and questioning by the Board, Chairman de Blaquiére concluded the hearing and opened deliberations. Dr. Adams stated Dr. Hurst has documented evidence of completion of red flags CE and has documented extensive PMP use since he has been licensed. Dr. Adams believes educational programs presented by Dr. Hurst would be beneficial and in line with the Board's objectives. Dr. Hurst would be able to present from the perspective of a dispensing pharmacist versus

the board staff perspective. At the conclusion of deliberations, Dr. Chopski motioned to have Dr. Hurst create the CE on red flags as suggested and present the CE no less than four times throughout the state, at locations determined in conjunction with Dr. Adams. Dr. Hurst is to be responsible for all expenses incurred. Dr. Chopski amended her motion to include finding Dr. Hurst in violation of Board Rule 116 Prescription Drug Order: Refills. Dr. Jonas seconded, the motion carried unanimously.

Following a brief break Chairman de Blaquiere called the meeting to order and commenced the Administrative Hearing of Alan Jensen, RPh. Mr. Jensen attended the meeting without counsel. Dr. Henggeler recused herself due to a professional relationship with Mr. Jensen. Ms. Zahn presented the Board's complaint against Mr. Jensen alleging he filled two (2) zolpidem prescriptions, each for a 30 day supply, within four days for the same patient while working for Sav-On. Following being sworn in, Mr. Jensen presented his opening statement during which he admitted to inadvertently filling the prescription early and has been disciplined by Sav-On. Mr. Jensen indicated at the time of the early fill he was not registered for the PMP but he has since registered. Following testimony and closing statements, Chairman de Blaquiere concluded the hearing and opened deliberations. Following deliberations Dr. Jonas motioned to find Mr. Jensen in violation of Board Rule 500.06 unprofessional conduct as to not following the instructions of the prescriber writing a prescription in filling a prescription too early, require him to complete 18 credits of CE in accuracy and error prevention prior to renewal of his pharmacist license. The motion failed for lack of a second. Mr. Sperry motioned to fine Mr. Jensen \$2,000 and 6 hours of CE. Dr. Chopski seconded. Following discussion Mr. Sperry withdrew his motion. Dr. Chopski motioned to fine Mr. Jensen \$500 and 6 hours of red flags of patient behavior CE to be completed within 180 days. Mr. Sperry seconded, the motion carried unanimously.

Chairman de Blaquiere commenced the Administrative Hearing of Dee Atkinson, PharmD. Dr. Atkinson attended the meeting telephonically without counsel. Dr. Henggeler recused herself due to a professional relationship with Dr. Atkinson. Ms. Zahn presented the Board's complaint against Dr. Atkinson alleging he filled 1 lorazepam prescription, the third 30-day supply filled for the patient in 20 days; 1 fill of zolpidem, the 4th 30-day supply filled for the same patient in seven days while working at Sav-On. Dr. Atkinson was sworn in and presented his response to the allegations. Following testimony and closing statements Chairman de Blaquiere concluded the hearing and opened deliberations. After deliberations Mr. Sperry motioned to fine Dr. Atkinson \$2,000 per occurrence for a total of \$6,000 and completion of red flags of patient behavior CE, the motion failed for lack of a second. Dr. Jonas motioned to find Dr. Atkinson in violation of Board Rule 500.06 unprofessional conduct as to not following the instructions of the prescriber writing a prescription too early, and to fine him \$1,000 and 6 hours of red flags of patient behavior CE, Dr. Chopski seconded for the purpose of discussion. Dr. Chopski did not believe \$1,000 is consistent with other cases they've seen. The motion failed with Dr. Chopski and Mr. Sperry opposed. Dr. Chopski motioned to find Dr. Atkinson in violation of the stated Board rules, fine him

\$2,000 and 6 hours of red flags of patient behavior CE. Mr. Sperry seconded, the motion carried with Dr. Jonas opposed.

The Board took up the matter of Jan Poreba, RPh. Mr. Poreba attended the meeting; Mr. Ken Mallea represents Mr. Poreba and appeared before the Board. Scott Zanzig, DAG presented the Board's case. The Board elected to use a hearing officer in this case and requested the hearing officer provide recommendations. A hearing officer's recommendations may be adopted or rejected by the Board. The hearing officer recommended a finding for Mr. Poreba in that he was not in violation of Rule 262 in accepting controlled substances for return from St. Lukes Long Term Care (LTC) facility. Board staff has taken no exception to the ruling of the hearing officer as the rule can reasonably be interpreted differently. Mr. Mallea asked the Board to adopt the recommendation of the hearing officer. Following discussion Dr. Henggeler motioned to accept the recommendation of the hearing officer, Mr. Sperry seconded, the motion carried with Dr. Chopski opposed.

Chairman de Blaquiére commenced the Administrative Hearing of Brad Stoick, RPh. Mr. Stoick attended the meeting with legal counsel, Mr. Bo Davies. Dr. Henggeler recused herself due to a professional relationship with Mr. Stoick. Chairman de Blaquiére swore Mr. Stoick in and asked for opening statements. Carl Withroe, DAG presented the Board's case. Mr. Stoick's employment with Sav-On was terminated April 11, 2015 for diverting prescription drugs from the pharmacy, for which he had no prescription on file. The allegations are violations of Board Rule 500. Unprofessional Conduct, and 500.04 Diversion of Drug Products. Following opening statements Mr. Stoick answered questions from the Board indicating he has never had a drug or alcohol problem and has never received any sort of counseling. After closing comments Chairman de Blaquiére opened deliberations. Following deliberations Mr. Sperry motioned to table any disciplinary decisions until the next meeting of the Board, allowing Mr. Stoick time to obtain an evaluation from the Pharmacist Recovery Network (PRN), Dr. Jonas seconded. Following discussion Mr. Sperry amended his motion to order Mr. Stoick to contact PRN for an evaluation within 10 days and appear at the next scheduled meeting of the Board, Dr. Chopski seconded. The motion carried unanimously.

Scott Milner, PharmD from Intermountain Healthcare attended the meeting with his colleagues Bruce Leavitt, Beth Johnson and Angela Whitner to request licensure for Intermountain Healthcare to provide medication and supplies to their facility, Cassia Regional Medical Center, in Burley, Idaho. Intermountain Healthcare has centralized packaging and compounding to adopt a central distribution model. The distribution center is licensed as a Class B pharmacy in Utah. Utah recently changed their licensure from a distributor license to a Class B pharmacy license as it functions with technicians, pharmacists and includes on-site Pharmacist-In-Charge. Intermountain would only serve the Burley facility, they would not sell or distribute to other entities within Idaho. They have been inspected by the Division of Professional Licensing (DOPL) in Utah, the FDA and DEA. This type of license does not currently exist in Idaho. Following

questions by the Board, Dr. Chopski motioned to have Intermountain Healthcare submit an application for approval under Board Rule 650. Institutional Facility: Centralized Pharmacy Services, Dr. Jonas seconded, the motion carried with Dr. Henggeler abstaining.

The Board took up the matter of Ron McRoberts, CPhT. Dr. Jonas recused herself due to a professional relationship with Mr. McRoberts. Ms. Zahn indicated Mr. McRoberts had accepted the offer of settlement proposed by Board staff for failing to maintain his national pharmacy technician certification and will pay the assessed fine of \$250.

Hearing no further business Dr. Chopski motioned to adjourn, Dr. Henggeler seconded, motion carried unanimously. Meeting adjourned at 6:00 p.m

Approved