



Idaho State Board of Pharmacy

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MINUTES OF THE IDAHO STATE BOARD OF PHARMACY March 15, 2016

Conference Call Idaho State Board of Pharmacy Office, Boise, Idaho

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

Chairman Rich de Blaquiére, PharmD called the meeting to order at 3:00 p.m. Roll call of those attending telephonically included Dr. de Blaquiére, Nicole Chopski, PharmD, Kris Jonas, PharmD, and Holly Henggeler, PharmD. In attendance at the Board office were Board member Ed Sperry, Public Member, Alex J. Adams, PharmD, MPH, Executive Director, Berk Fraser, RPh, Deputy Executive Director, Andy Snook, Deputy Attorney General, Misty Lawrence, Management Assistant, Ellen Mitchell, Program Information Coordinator, and members of the public.

Dr. Henggeler motioned to approve the minutes of the January meeting with minor corrections, Dr. Chopski seconded, the motion carried unanimously.

Dr. Adams briefed the Board on the results of his research regarding the need for a temporary rule related to biosimilar substitution. Dr. Adams noted several biological products were approved by the FDA via various pathways and as a result their therapeutic equivalents will be listed in the FDA Orange Book, not the FDA Purple Book. The Board has previously indicated it is their intention that pharmacists be able to substitute any appropriate product deemed interchangeable or therapeutically equivalent by the FDA, regardless of if it is in the FDA Orange or Purple Book. Board staff determined that any product that is deemed therapeutically equivalent and listed in the Orange Book is already covered by the Board's drug product selection rule (rule 131), and a pharmacist may exercise professional judgment to select such products as long as the prescriber has not indicated by any means that a brand name drug must be dispensed. Rule 131 is inclusive of biologic products with therapeutic equivalence, and thus a temporary rule is deemed unnecessary. Further, if House Bill 483 is signed into law, pharmacists shall provide communication to a prescriber in accordance with the law for any biological product listed in either the FDA Orange or Purple Book.

Mr. Snook presented Idaho Open Meeting Law to the Board including such topics as serial board meetings, executive sessions, and conduct during board meetings. The intent of the Idaho Open Meeting Law is to ensure transparency in actions and encourage public involvement.

Dr. Adams presented a document detailing all the delegated authority granted to board staff over the last several years for review. Items were separated into sections for pharmacists, technicians, facilities and controlled substance registrants. A list of any delegated authority that

is exercised will be provided to the Board at each meeting. While the Board has delegated this authority to staff, the nuances of each individual case will be considered, and some of the violations may still be brought to the Board through other channels (e.g., administrative complaint hearings, stipulations, etc).

Current Violation	Current Delegated Authority	Board Discussion and Comments
1st criminal or alcohol-related offense (i.e. DUI)	No action; unless abuse is evident	Mr. Snook indicated the phrase 'unless abuse is evident' could be problematic; Dr. Chopski suggested updating to 'No action unless violation of Rule 500'
2nd criminal or alcohol-related offense (i.e. DUI) or a pattern of criminal charges	2 yr probation + \$250	Strike
Accepting medications for return	\$100-\$500	Strike
Allowing a technician to take a new prescription order from a prescriber	\$500-\$1000	Clarification of fine, \$500 per occurrence up to \$1000
Allowing a technician to work with an expired registration	\$100	Check recent history of actions
Technician not identified by name badge	\$50 to technician; \$100 to pharmacist on duty	No change
Dispensing a controlled substance without a prescription	\$200	The fine amount is insufficient, the most recent case was levied a \$2000 fine
Dispensing error	\$50-\$500 fine	Update to OSU's 18 hour CE program
Dispensing expired medication	\$50	Strike
Diversions	License suspended 1 yr + \$2000	Strike
Drug abuse or addiction	Recovery program	Board staff is referring callers to recovery programs. Evaluation is implied, no change
Exceeding the technician ratio of 6:1	\$200	No change
Failure of technician to identify themselves as such on the telephone	\$50 to technician; \$100 to pharmacist on duty	Combine with DP6
Failure to complete continuing education requirements	\$50 per incomplete CE credit + double the requirement for each missing CE credit the following year	Add a fine of \$500 for falsifying an application to the Board
Failure to correctly label a medication	\$200	Combine with DP8
Failure to follow a prescription order	\$200	Combine with DP8
Failure to obtain positive identification for CS rx	\$150-\$500	Clarification of fine, \$150 per occurrence
Failure to offer counseling	\$500	No change
Failure to renew Controlled Substance Registration/License (as long as respondent does not continue to work after notification)	\$200 to pharmacist \$100 to PIC	No change
Failure to stop working once notified of nonrenewal of Controlled Substance Registration/License	\$1,000 to pharmacist \$500 to pharmacy \$500 to PIC	No change - Add to pharmacy section
Failure to provide the Board office with required notifications (PIC change, employment change)	\$50 first offense \$100 second offense	No change
Failure to supervise technicians	\$200-\$600	Strike

Filling internet prescriptions	\$500-\$5000	Strike
General unprofessional conduct	\$100-\$500	Strike
Outdated or missing law book or references from reference library	\$200	Move to "pharmacy" section of delegated authority document
Possession of illegal substance	License revoked + fine TBD	Strike
Providing false information to the Board on a license application; including falsification of CE hours	\$500	Remove 'including falsification of CE hours' as it can be used for licensing applications and other instances
Record keeping (CS)	\$100-\$500	Clarification of fine \$100 per occurrence
Violation of terms and conditions of probation	License revoked + \$2000	The Board doesn't define 'probation'; strike

Dr. Adams will revise the list per Board direction for review at the April meeting.

Dr. Henggeler motioned to adjourn the meeting, Mr. Sperry seconded, the motion carried unanimously. The meeting adjourned at 5:30 p.m.

Approved