

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
July 12, 2017**

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

This meeting of the Board was held to discuss the Board's draft rule dockets in advance of the August negotiated rulemaking session as well as potential agency legislation for the 2018 Legislative session.

Chairman Nicole Chopski, PharmD called the meeting to order at 7:00 a.m. Roll call of those attending telephonically included Board member Rich de Blaquiére, PharmD, and several members of the public.

In attendance at the Board office were Chairman Chopski, PharmD, Holly Henggeler, PharmD, Kris Jonas, PharmD, Alex J. Adams, PharmD, MPH, Executive Director, Andy Snook, Deputy Attorney General, Misty Lawrence, Management Assistant, and Ellen Mitchell, Program Information Coordinator. Ed Sperry, Public Member arrived during the rules discussion.

Dr. Henggeler motioned to accept the minutes of June 7-8, 2017 as written. Dr. Jonas seconded, and the motion carried unanimously.

Chairman Chopski asked Dr. Adams to frame today's discussion.

Dr. Adams noted that the goal of today's call is to finalize the *drafts* of each rule chapter that will be discussed at the Board's upcoming negotiated rulemaking session, which is scheduled for August 1, 2017. As a reminder, Dr. Adams noted that the official notice of intent to promulgate rules was published in the June 7, 2017 edition of the Idaho Administrative Bulletin, detailing the scope of the rulemaking session. In addition to the requisite Bulletin notice, Board staff has personally informed various stakeholder groups of the meeting, and included an article in its quarterly print newsletter to licensees and registrants. In addition, the Board is hosting sessions in Coeur d'Alene, Boise, and Idaho Falls in late July so that interested persons who are unable to attend the formal session, and who are unwilling to submit written comments, have a venue to provide feedback on the draft rules.

Dr. Adams noted that the Board has spent considerable time discussing the relevant rule changes at each of its open, public meetings this year. Having reviewed the proposed redline edits of the existing rulebook at these previous meetings, the Board will begin working exclusively off of the clean, edited versions that will eventually be published as the proposed rule dockets. Dr. Adams noted that copies of these clean versions were available to any interested person on the Board's website prior to the call. Dr. Adams also noted that the Board is now proposing six chapters instead of seven, and that under this proposal, veterinary drug outlets would have the legal ability to continue operations without needing a registration from the Board, as long as they follow the statutory definition (which excludes certain drug categories). If an outlet did carry any of these excluded drug categories, they would need to register as a prescriber drug outlet in order to maintain compliance with law.

The Board made the following changes to these publicly available drafts:

Legislative Proposal

- Removed 54-1723(3) and removed the word 'initial' from 54-1723(f). This proposal is consistent with a policy adopted by the National Association of Boards of Pharmacy (NABP) in 1995.

Following a brief discussion Dr. Jonas motioned to strike removed 54-1723(e) as the practice hour requirement is still covered in by Rule 32.03. Dr. Henggeler seconded, and the motion carried unanimously. The Board also invited a presentation at the August meeting regarding emerging methods of routing a prescription to a pharmacy.

Chapter 1 – Rules Governing Procedure

- 022.10 – Modified to add “expired” products, as had previously been covered in Rule 261.
- 022.15 – Added ‘knowingly using’ for clarity.

Chapter 2 - Rules Governing Licensure and Registration

- 023.01 – Modified nomenclature for clarity. Specifically, the word “original” was removed from “pharmacist license” as this category will now cover pharmacists who are being licensed by initial examination and by reciprocity. The word “nonresident” was added in front of “pharmacist registration” to further differentiate it from pharmacist licensure.
- 030.02 – Changed title to ‘Nonresident Pharmacists’.
- 042.02 – Clarified that the fingerprint-based background check exemption for student technicians is for individuals ‘under the age of eighteen’.
- 050.03 – Changed ‘drug outlet’ to ‘pharmacy’ for clarity and removed the requirement that the individual must already own another registered drug outlet.

Mr. Sperry arrived at 8:35 a.m.

Chapter 3 - Rules Governing Pharmacy Practice

- 202. – Added reference to Subchapter D for valid prescription drug orders and labeling.
- 204.02 – Modified for clarity, removing the screen size and definition requirements.
- 304.03.b – Changed the limitation on emergency refills to once in a six month period, with a thirty day supply as the new maximum quantity.
- 314. – Modified for clarity related to delivery to a prescriber.
- 315. – Modified to ensure all existing allowances related to delivery are upheld in the new rules. The emphasis on “institutional facilities” was removed, and it now applies to “institutional facility patients” and broadened to include drugs with tamper-evident features.

Chapter 4 - Rules Governing Pharmacist Prescriptive Authority

- Added nebulizers, insulin pen needles, and syringes for patients with diabetes.

Chapter 5 - Rules Governing Compounding

- No substantive changes

Chapter 6 - Rules Governing DME, Manufacture and Wholesale

- No substantive changes

Chairman Chopski called for public comment, none was offered.

Hearing no further discussion Dr. Jonas motioned to adjourn. Mr. Sperry seconded, and the motion carried unanimously. Meeting adjourned at 9:54 a.m.

APPROVED