

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
July 12, 2018**

**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 2019 Legislative session.

Chairman Nicole Chopski, PharmD called the meeting to order at 7:00 a.m. Roll call of those attending telephonically included Board members Rich de Blaquiére, PharmD, Holly Henggeler, PharmD; Andy Snook, Deputy Attorney General; Wendy Sheill, and Jaime Thompson, Compliance Officers, and several members of the public.

In attendance at the Board office were Nicole Chopski, PharmD, Kris Jonas, PharmD, Ed Sperry, Public Member, Alex J. Adams, PharmD, MPH, Executive Director, Misty Lawrence, Management Assistant, and Berk Fraser, Deputy Executive Director.

Dr. Adams explained there was a minor correction to the April 2018 minutes following approval at the last meeting. Mr. Sperry motioned to accept the April 2018 minutes with minor corrections. Dr. Jonas seconded, and the motion carried unanimously.

Dr. Henggeler motioned to accept the meeting minutes of June 12, 2018 with a minor correction. Dr. Jonas seconded, and the motion carried unanimously.

Mr. Fraser provided a brief update on the new licensing system. Compliance staff will be using the system with new forms in the field this week. The new process will allow for better statistical reporting and tracking of violations. Mr. Fraser is in the process of updating all inspection forms, and will notify the Board when they are available. Dr. Jonas expressed her appreciation of the amount of communication from staff to registrants and licensees regarding the transition.

Dr. Adams proposed resetting the pharmacy inspection goal to 18 months for the Dashboard now that the compliance team is fully staffed. The Board granted unanimous consent to reset the goal as of July 1, 2018.

The Board took up matter of the proposed 2019 legislative updates. Dr. Adams noted that the goal of today's call was to finalize the *drafts* of the proposed changes that will be discussed at the Board's upcoming negotiated rulemaking sessions in August and in October, and that no final actions will be taken at this meeting.

Dr. Adams presented proposed updates to the Pharmacy Practice Act. He began by sharing information relating to the history of the definition of prescriber agents in Idaho and federally, including the confusing position the Drug Enforcement Agency (DEA) took on the topic in the 2000s. Following a brief discussion Mr. Sperry commended Dr. Adams on the depth of his research, and the Board offered unanimous support to strike the language and rely on DEA's policy as published in the Code of Federal Regulations (CFR) on October 6, 2010.

Dr. Adams presented several other minor proposed changes to statute, the bulk of which remove antiquated language. The changes were supported by the Board. Dr. Adams then presented 54-1723B Multistate Practice of Pharmacy as an addition to the legislation. Following a lengthy discussion the Board offered unanimous support to move forward with the updated language. Dr. Chopski called for public comment on the legislative draft, and none was offered.

Dr. Adams presented proposed changes to the Board's rules which have been reviewed in depth at previous meetings. Following the review of each individual chapter, Dr. Chopski called for public comment, and none was provided. Following discussions, the Board offered unanimous support to move forward with the proposed language with changes as discussed. The Board asked Dr. Adams to document the rationale behind select changes in Chapter 2 and Chapter 3 as follows:

- The proposed update in Rule 035 would require a nonresident PIC to be registered as such, even if licensed as an Idaho pharmacist. This provides a significant benefit to the nonresident facility, as no other individual has to be licensed by the Board, so the Board felt the fee differential is appropriate.
- The proposed striking of Rule 201.07 is not intended to remove the authority of an institutional facility to develop an emergency access protocol. Each institutional facility could still do this under the proposed streamlined language by determining which authorized personnel may access the restricted drug storage area.
- Proposed updates to Rule 300 are intended to conform to federal law. For example, the striking of the prescriber change of status provision is because Idaho's law is currently more stringent than DEA policy and many other states. In addition, the striking of the family member clause is because the regulatory boards governing other health professions have taken different stances on this rule and the Board staff feels it is more appropriate to defer to those boards.
- Proposed updates to Rule 305 are based on House Bill 339 and simply reiterate the statutory change for purposes of purposeful redundancy.

Dr. Chopski called for any final public comments. Hearing none, Dr. Jonas motioned to adjourn. Mr. Sperry seconded and the motion carried unanimously. Meeting adjourned at 9:13 a.m.