

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1504

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The changes remove the requirement that the Board approve a temporary pharmacy facility or mobile pharmacy prior to operation in a declared emergency. It also clarifies that a hospital director may oversee a temporary pharmacy in an emergency. In addition, it removes the requirement that a statewide protocol be in place prior to emergency refill authorization being permissible in a declared emergency. Lastly, minor edits are made to collaborative pharmacy practice agreements with prescribers, clarifying the parties to these voluntary agreements, and harmonizing the record-keeping requirements with existing state law.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 497 through 501](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356.

DATED this 3rd Day of November 2015.

Alex Adams
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-1504 -- ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 497 through 501.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 27-0101-1504**

060. DRUG OUTLET LICENSURE AND REGISTRATION.

A license or a certificate of registration, as applicable, is required for drug outlets doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-21-12)

02. Licenses and Registrations ~~Nontransferable~~ Transferability. ()

[Paragraph 060.02.b. through Subparagraph 060.02.b.ii.]

b. Temporary Pharmacy Facilities and Mobile Pharmacies. To provide pharmacy services during a national, state, or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, pharmacies may arrange to temporarily locate or relocate to a temporary pharmacy facility or mobile pharmacy if the temporary pharmacy facility or mobile pharmacy: ()

i. Is under the control and management of the pharmacist-in-charge, director, or designated supervising pharmacist: ()

ii. Is located within the declared disaster area or is intended for affected populations: ()

116. PRESCRIPTION DRUG ORDER: REFILLS.

02. Emergency Prescription Refills. A pharmacist may refill a prescription for a patient when: ()

[Paragraph 116.02.b.]

b. Upon the declaration of a national, state, or local emergency by the President of the United States,

the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, a pharmacist may dispense a refill of a prescription drug to an affected patient, not to exceed a thirty (30)-day supply if, in the pharmacist's professional judgment, the prescription drug is essential to the patient's health or continuation of therapy.
()

[Section 310 through Subsection 310.01]

310. ~~PHARMACIST~~ COLLABORATIVE PHARMACY PRACTICE AND STATEWIDE PROTOCOL AGREEMENTS.

01. Collaborative Agreement. Pharmacists or pharmacies and prescribers may enter into collaborative pharmacy practice through a written collaborative pharmacy practice agreement that defines the nature and scope of authorized DTM or other patient care services to be provided by a pharmacist. ~~(3-21-12)~~ ()

[Paragraph 310.01.d. through Paragraph 310.02.a.]

~~04~~**d.** Documentation of Pharmacist Activities. The patient care provided pursuant to the agreement must be documented ~~in the patient's permanent record~~ in a manner that allows it to be readily available to other healthcare professionals providing care to the patient. ~~(3-21-12)~~ ()

02. Statewide Protocol Agreement. A pharmacist may perform DTM or other patient care services according to a statewide protocol agreement issued by the director of the Idaho Department of Health and Welfare, in conjunction with the Board, for the purpose of improving public health. The protocol agreement must include: ()

a. An effective date range; ()