

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
February 7, 2019**

**Board of Pharmacy Office  
Boise, Idaho**

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

Chairman Nicole Chopski, PharmD, called the meeting to order at 9:00 a.m. In addition to Dr. Chopski, those in attendance included Vice Chairman, Holly Henggeler, PharmD; Rich de Blaquiere, PharmD; Kristina Jonas, PharmD; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator and several members of the public.

Dr. Jonas motioned to approve the minutes from the October 24-25, 2018 meeting as written, Dr. Henggeler seconded, and the motion carried unanimously.

Dr. Henggeler motioned to approve the minutes from the December 13, 2018 conference call with minor corrections, Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of the Consent Agenda. Dr. Henggeler motioned to pull the Performance Dashboard, Travel Calendar, and Delegated Authority from the Consent Agenda. Dr. Jonas seconded and the motion carried.

Dr. Henggeler clarified the average is 17 calendar days to issue a Pharmacy Technician in Training registration, with the minimum being 4 calendar days. Mr. Fraser explained the process is slowed due to incomplete applications and the sheer number of applications. Mr. Fraser suggested moving compliance inspections to a 12 month period versus the 18 month period. He will have more detailed information for the April meeting.

The following updates were made to the Travel Calendar:

- Idaho Conference on Alcohol and Drug Dependency – Canceled
- NCPA Conference – Canceled
- Add the Northwest Pharmacy Convention in Coeur D'Alene on May 30 - June 2, Mr. Sperry, Drs. de Blaquiere and Jonas will attend.
- Add NABP Annual Meeting on May 16-18, Drs. Henggeler, Jonas, and Chopski, and Mr. Sperry will attend
- Dr. Jonas motioned to accept the Consent Agenda, Dr. Henggeler seconded, and the motion carried unanimously.

Mr. Snook directed the Board to disregard the Corrective Action Plan (CAP) that was included in their packet. They have delegated the authority of these plans to Board staff. If the respondent fails to honor the CAP, a complaint will be filed and it will come before the Board.

Dr. de Blaquiere motioned to approve Consent Agenda items a, b, d, and e. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the action item Consent Agenda: Stipulation and Consent Orders which contained:

- a) Mike's Pharmacy
- b) Norco
- c) KeyMed dba Snake River LTC Pharmacy
- d) Pharnease dba Heartland LTC Pharmacy
- e) Ridley's Food & Drug
- f) Safeway Pharmacy 350
- g) Vic's Family Pharmacy
- h) Kraig C. McGee, MD
- i) St. Mary's Hospital

Dr. Henggeler requested to remove Mike's Pharmacy, Safeway Pharmacy 350, and Vic's Family Pharmacy from the consent agenda.

Dr. Henggeler motioned to accept as written Norco, KeyMed, Pharmease, Ridley's, Kraig McGee, and St. Mary's Hospital. Dr. de Blaquiere seconded, and the motion carried unanimously.

Following a lengthy discussion with Steve Olsen, DAG regarding Mike's Pharmacy, the Board directed staff to conduct a courtesy call prior to fine due dates. Mr. Fraser expressed his desire to shorten the length of time to pay fines in the future, the Board will consider the request.

Dr. Henggeler motioned to accept the stipulations for Mike's Pharmacy and Vic's Family Pharmacy. Dr. de Blaquiere seconded and the motion carried unanimously.

Dr. Henggeler recused herself from Safeway Pharmacy 350. Dr. Jonas motioned to accept the stipulation as written, Dr. de Blaquiere seconded, and the motion carried.

The Board took up the matter of Bradley Owens, PharmD. Dr. Owens attended the meeting without legal counsel. Dr. Owens is requesting reinstatement of his pharmacist license. Dr. de Blaquiere recused himself from this agenda item. Following discussion Dr. Jonas motioned to reinstate Dr. Owens' license with the restriction that he remain compliant with the five year PRN contract he signed August 9, 2018. Mr. Sperry seconded, and the motion carried with Dr. Henggeler opposed.

Following review, Dr. Henggeler motioned to accept the updated Delegated Authority list. Dr. de Blaquiere seconded, and the motion carried unanimously.

The Board took up the matter of Rhonda McCarley, Pharmacy Technician in Training applicant. Ms. McCarley attended the meeting without legal counsel to request the Board approve her application. Following a brief discussion, Dr. de Blaquiere motioned to approve the application. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of Cristian Padilla, Certified Pharmacy Technician applicant. Mr. Padilla attended the meeting without legal counsel to request the Board approve his application. Following discussion, Dr. Jonas motioned to approve the application. Mr. Sperry seconded, and the motion carried with Dr. Henggeler opposed.

Misty Lawrence, Management Assistant presented the Board's financial report.

- Fiscal year 2019 budget status with 58% percent of the year elapsed and 49.43% of the budget expended.
  - Personnel Costs - 53.16% expended.
    - With the vacancy in the Customer Service position and assuming a start date of April 1 for a new director, there is an expected \$60,000 in one-time salary savings at the end of the year.
  - Operating Expenses - 32.17% expended.
    - Due to not having to pay for licensing system maintenance.
  - Operating Expenses for DHW Contract - 48.5% expended.
    - 1103 Gateway licenses and 8 NarxCare Licenses have been issued since July 1
    - 103 Gateway and 58 NarxCare implementations are pending.
- Cash Fund balance as of January 31, 2019 was \$3,032,600. Up \$363,500 from the beginning of the year. Fiscal Year 19 started with a cash balance of \$2,699,070. The increase is partially due to the additional amount collected for the proration and the facility renewal that took place in December. The additional amount will be offset as only ½ the amount we normally collect in the spring will be collected. Facilities renewed in June 2018 at the full rate for 6 months, they renewed again in December 2018 at ½ the cost for a full year. With all the moving parts this year it will be difficult to determine an actual growth trend.

- Expenditures are slightly lower than in previous years, this is due to the delay in expenditures for the licensing system.
- Revenues are trending up 45%, \$393,000 over this time last year. This is a temporary increase as previously discussed. We will continue to see a onetime increase this year with a decrease in FY20. The trends will level off in FY21 after all renewal transitions have been completed.
- We continue to be in the red for the first quarter, then back in the black during the renewal period. This is a normal trend, we won't start seeing this level out until FY21 when all renewal transitions have been completed. FY20 will still have some fluctuation because ½ the registrants will not renew in FY20.
- Accumulative Monthly Cash Flow – We are in the positive by \$333,600. Last year at the time we were in the red by \$204,600.

Licensing System Contract update: There is a discrepancy on contract dates and when payment should begin. System Automation (SA) and Department of Purchasing (DOP) have been in discussion over the contract dates and when system maintenance payments should begin. SA believes their cost proposal was for year 1 to include the build and that maintenance payments would begin when the system went live.

DOP and BOP understood that the build was a separate cost, year 1 was no charge, and maintenance fees would start in Year 2.

DOP has reviewed the contract language with SA and their legal team as well as with DOP and Andy Snook, DAG. DOP will present a couple of proposals to SA next week.

Dr. de Blaquiere motioned to enter executive session pursuant to Idaho Code Section 74-206(1)(b) "to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent...". Dr. Jonas seconded and the motion carried unanimously by roll call vote. Executive session began at 11:26 a.m. Dr. Jonas motioned to leave executive session, Mr. Sperry seconded, motion carried unanimously by roll call vote. Session ended at 12:18 p.m.

Mr. Sperry was unable to attend the afternoon session.

Alex Adams, PharmD, MPH attended the meeting to address the rules draft he completed before his departure. The Board reviewed the draft of proposed changes to the law book and will look at them more closely before making any decisions.

The multi-state licensure bill has had positive response at the Legislature. The Board will approach NABP about administering the program and contact other states about joining Idaho in the multi-state licensure process.

Dr. Jonas is NABP District 7's chairperson as she took over for Dr. Adams. Planning for the District meeting in October is moving forward. Dr. Chopski indicated the website is now available to be updated.

Dr. Chopski called for public comment. Toni Cantrell, RPh, thanked the Board for their work and the difference they make. Jenn Adams, PharmD, Associate Dean ISU College of Pharmacy offered assistance with the District 7 meeting.

Having no further business Dr. Jonas motioned to adjourn the meeting. Dr. de Blaquiere seconded, and the motion carried. Meeting adjourned at 2:33 p.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
February 28, 2019  
Conference Call**

**Board of Pharmacy Office  
Boise, Idaho**

This meeting of the Board was held to select interviewees for the position of Executive Director.

Chairman Holly Henggeler, PharmD, called the meeting to order at 4:00 p.m. In addition to Dr. Henggeler, those in attendance included Rich de Blaquiére, PharmD; Kristina Jonas, PharmD; Ed Sperry; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; and Misty Lawrence, Management Assistant;

Dr. Jonas motioned to approve the minutes from the February 7, 2019 meeting as written, Mr. Sperry seconded, and the motion carried unanimously by rollcall vote.

Dr. Jonas motioned to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) "to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need." The motion requested the attendance of Mr. Fraser; Mr. Snook; and Ms. Lawrence. Mr. Sperry seconded, and the motion carried unanimously by rollcall vote.

Executive session began at 4:06 p.m. Dr. Jonas motioned to leave executive session, Mr. Sperry seconded, motion carried unanimously by rollcall vote. Executive session ended at 4:49 p.m.

Dr. Jonas motioned to interview candidates #1, #3, #5 and #6, Mr. Sperry seconded, motion carried unanimously by rollcall vote.

Chairman Henggeler read into the record the names of those to be interviewed. They are Dr. Cody Bright, PharmD, Dr. Nicole Chopski, PharmD, Dr. Matthew Murray, PharmD and Dr. Elizabeth Oler, PharmD.

Board directed staff to determine time and place for interviews.

Having no further business Dr. Jonas motioned to adjourn the meeting. Dr. de Blaquiére seconded, and the motion carried. Meeting adjourned at 4:59 p.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
March 12, 2019**

**Board of Pharmacy Office  
Boise, Idaho**

This meeting of the Board was held to interview for the position of Executive Director.

Chairman Holly Henggeler, PharmD, called the meeting to order at 3:49 p.m. In addition to Dr. Henggeler, those in attendance included Kristina Jonas, PharmD; Ed Sperry; Rich de Blaquiére, PharmD joined telephonically; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Cynthia Yee Wallace, DAG; and Brian Church, DAG,

Chairman Henggeler reordered the approval of minutes to the beginning of the next meeting date, March 13, 2019.

Dr. Jonas motioned to go into Executive Session Pursuant to Idaho Code Section 74-206(1)(f) "to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.". In attendance was Mr. Fraser; Mr. Snook; Ms. Yee-Wallace and Mr. Church. Mr. Sperry seconded, and the motion carried unanimously by rollcall vote. Executive session began at 3:51 p.m. Dr. Jonas motioned to leave executive session, Mr. Sperry seconded, motion carried unanimously by rollcall vote. Executive session ended at 4:15 p.m

Dr. Jonas motioned to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) "to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need." In attendance was Mr. Snook. Mr. Sperry seconded, and the motion carried unanimously by rollcall vote. Executive session began at 4:16 p.m. Dr. Jonas motioned to leave executive session, Mr. Sperry seconded, motion carried unanimously by rollcall vote. Executive session ended at 5:54 p.m.

Having no further business Mr. Sperry motioned to adjourn the meeting. Dr. Jonas seconded, and the motion carried. Meeting adjourned at 5:55 p.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
March 13, 2019**

**Board of Pharmacy Office  
Boise, Idaho**

This meeting of the Board was held to interview for the position of Executive Director.

Chairman Holly Henggeler, PharmD, called the meeting to order at 9:00 a.m. In addition to Dr. Henggeler, those in attendance included Kristina Jonas, PharmD; Ed Sperry; Rich de Blaquiere, PharmD joined telephonically; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Matthew Murray, PharmD.

Dr. Jonas motioned to approve the minutes from the February 28, 2019 meeting as written, Mr. Sperry seconded, and the motion carried unanimously by rollcall vote.

Dr. Jonas motioned to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) "to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need." In attendance was Mr. Snook; Mr. Sperry seconded, and the motion carried unanimously by rollcall vote. Executive session began at 9:03 a.m. Dr. Jonas motioned to leave executive session, Mr. Sperry seconded, motion carried unanimously by rollcall vote. Executive session ended at 4:39 p.m.

Chairman Dr. Henggeler called the meeting back to order at 4:40 p.m.

Dr. Jonas motioned to authorize Board Chair to resolve any existing application or conflict of interest issues, and to extend any offers of employment. Board will meet at a later date to approve said offers. Dr. de Blaquiere seconded, and the motion carried.

Having no further business Dr. Jonas motioned to adjourn the meeting. Dr. de Blaquiere seconded, and the motion carried. Meeting adjourned at 4:42 p.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
March 18, 2019**

**Board of Pharmacy Office  
Boise, Idaho**

This meeting of the Board was held to discuss potential employment offers for the position of Executive Director.

Chairman Holly Henggeler, PharmD, called the meeting to order at 6:34 a.m. In addition to Dr. Henggeler, those in attendance included Ed Sperry; Rich de Blaquiére, PharmD and Kristina Jonas, PharmD joined telephonically; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Misty Lawrence, Management

Mr. Sperry motioned to go into Executive Session pursuant to Idaho Code Section 74-206(1)(a) "to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need." Dr. Jonas seconded, and the motion carried unanimously by rollcall vote. Executive session began at 6:35 a.m. In attendance was Mr. Snook. Mr. Sperry motioned to leave executive session, Dr. Jonas seconded, motion carried unanimously by rollcall vote. Executive session ended at 7:03a.m.

Chairman Holly Henggeler, PharmD, called the meeting back to order at 7:05 a.m.

Mr. Sperry motioned to authorize Board staff to negotiate and finalize an offer to Dr. Nicole Chopski, to be reviewed by Board Chair. Dr. Jonas seconded, and the motion carried with two ayes and one nay. The Board Chair did not vote.

Having no further business Dr. Jonas motioned to adjourn the meeting. Mr. Sperry seconded, and the motion carried. Meeting adjourned at 7:08 a.m.

Approved

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
April 11-12, 2019  
Day 1 – April 11<sup>th</sup>**

**Board of Pharmacy Office  
Boise, Idaho**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 9:00 a.m. In addition to Dr. Henggeler, those in attendance included Nicole Chopski, Executive Director; Rich de Blaquiére, PharmD; Kristina Jonas, PharmD; Scott Killian, PharmD; Ed Sperry; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator and several members of the public.

Chairman Henggeler welcomed Nicki Chopski, PharmD to her new position as the Board's new Executive Director and introduced Scott Killian, PharmD as the Board's newest member. Dr. Killian is from Pocatello and works at Portneuf Medical Center. He brings a hospital perspective to the Board.

Dr. Jonas motioned to add Interlake Pharmacy and Safeway Pharmacy #350 to the Consent Agenda: Stipulation and Consent Order item. Mr. Sperry seconded, and the motion carried unanimously.

Dr. de Blaquiére motioned to approve the minutes from the March 12, March 13, and March 18, 2019 conference calls. Dr. Jonas seconded, and the motion carried unanimously.

Dr. Jonas motioned to remove the Travel Calendar and Delegated Authority from the Consent Agenda for discussion. Dr. de Blaquiére seconded, and the motion carried unanimously.

Dr. Jonas motioned to approve the Performance Dashboard and Director Expenses from the Consent Agenda. Dr. de Blaquiére seconded, and the motion carried unanimously.

Dr. de Blaquiére motioned to name Dr. Henggeler as Idaho's delegate at the NABP Annual meeting in Minneapolis May 14-19, 2019, with Dr. Jonas as the alternate. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Jonas will be presenting at the Northwest Convention due to conflicts in Dr. Chopski's schedule.

Dr. Henggeler asked for clarification on the completion of inspections. Mr. Fraser indicated inspections remain on an 18-month cycle and the inspectors are ahead of schedule. Dr. Henggeler commended the inspectors for their hard work and expressed appreciation for the job they do.

Dr. Jonas motioned to approve the Travel Calendar and Delegated Authority. Dr. de Blaquiére seconded, and the motion carried unanimously.

The Board took up the Stipulation and Consent Agenda: Stipulation and Consent Orders. Dr. Jonas motioned to take each of the stipulations individually. Dr. de Blaquiére seconded, and the motion carried unanimously. Steve Olsen, DAG was in attendance to answer questions from the Board. Included in the agenda item were:

- a. Ladd's Family Pharmacy

- b. Timothy R Eaton, PharmD
- c. Scott Coleman, PA
- d. Burley Family Pharmacy
- e. Rachel Peay, NP
- f. Appleton Clinic

During extended discussion regarding Ladd's Family Pharmacy and their remote dispensing site in Mountain Home, Dr. de Blaquiére and Dr. Jonas expressed significant concern regarding Ladd's lack of oversight of the remote dispensing site. Dr. Jonas motioned to reject the stipulation and send the case to a hearing officer. Mr. Sperry seconded. Following additional discussion, Dr. Jonas withdrew her motion. Dr. Jonas motioned to reject the stipulation and add a requirement for unannounced quarterly inspections of both sites for one-year. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of Timothy Eaton. Following discussion Dr. de Blaquiére motioned to accept the stipulation as written. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of Scott Coleman. Following discussion Dr. de Blaquiére motioned to accept the stipulation as written. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of Burley Family Pharmacy. Following discussion Dr. Jonas motioned to accept the stipulation as written. Dr. de Blaquiére seconded, and the motion carried unanimously.

The Board took up the matter of Rachel Peay, NP. Following discussion Dr. Jonas motioned to accept the stipulation as written. Dr. de Blaquiére seconded, and the motion carried unanimously.

Dr. Chopski introduced the presentation from CVS regarding Patient Safety Organizations. Mark Johnston, CVS Senior Director of Regulatory Compliance introduced Susan Cornacchio, JD, RN, Senior Director, Enterprise Patient Safety and Sarah Marchand, PharmD, Director, Enterprise Patient Safety who attended the meeting telephonically. Their goal was to share the value, principles, and history of PSOs. During their presentation they indicated there are a multitude of PSOs and training conferences available. The Board will discuss PSOs more in depth tomorrow.

The Board took up the proposed Default Order regarding Caleb Senecker, Pharmacy Technician in Training. Dr. Jonas motioned to find Mr. Senecker in default. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of Appleton Clinic. Mr. Fraser shared with the Board that the principals of Appleton Clinic took this matter very seriously and have addressed the issues at hand. Following a brief discussion, Dr. Jonas motioned to accept the stipulation as written. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the Administrative Hearing regarding Cindy Chambers, PharmD. Chairman Henggeler recused herself due to a potential professional conflict of interest. The hearing was chaired by Board Member Kristina Jonas, PharmD. Steven Olsen, DAG, represented the Board. Dr. Chambers participated in the hearing in person and was represented by attorney Bernadette Buentgen. After careful review of the testimony, exhibits and arguments presented, Dr. de Blaquiére motioned to dismiss the case. Mr. Sperry seconded. Following a brief discussion, the motion carried.

The Board took up the Administrative Hearing regarding Star Pharmacy. Todd Wise, Pharmacy Coordinator for Ridley's Family Markets, owner of Star Pharmacy participated in the hearing in person without legal counsel. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Mr. Sperry motioned to maintain the \$2,000 fine proposed in the Stipulation

and waive the attorney fees, Dr. Jonas seconded. The motion carried with Drs. de Blaquiere and Killian opposed.

The Board took up the Administrative Hearing regarding Allen Drug. Richard and Diane Allen, owners of Allen Drug participated in the hearing in person and was represented by attorney Laura Perkovic who attended the hearing telephonically. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Dr. Jonas motioned to maintain the \$2,000 fine proposed in the Stipulation and waive the attorney fees, Mr. Sperry seconded. The motion carried with Dr. Killian opposed, and Dr. de Blaquiere abstaining.

The Board took up the Administrative Hearing regarding Steve Wilstead, CRNA. Mr. Wilstead and his wife, Denean Wilstead, participated in the hearing in person without legal counsel. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Dr. Killian motioned to fine Mr. Wilstead \$250 for falsifying his application for a Controlled Substance Registration. Dr. de Blaquiere seconded. The motion carried unanimously.

The Board took up the matter of Scott Portman, RPh. Mr. Portman attended the meeting telephonically, without legal counsel, to request the Board grant his Idaho Pharmacist License. Following a brief discussion, Mr. Sperry motioned to approve Mr. Portman's application with the condition that he continue in the Florida PRN until the current contract expires and he will notify the Board if he exits the Florida PRN program prior to the contract expiration. Dr. Jonas seconded, and the motion carried unanimously.

Dr. Jonas motioned to table Carmen Catizone's presentation until tomorrow morning. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Jonas motioned to table the proposed stipulations regarding Interlake and Safeway Pharmacies until tomorrow morning. Dr. Killian seconded, and the motion carried unanimously.

Dr. Jonas motioned to adjourn the meeting. Dr. de Blaquiere seconded, and the motion carried unanimously. Meeting adjourned at 5:55 p.m.

## **Day 2 – April 12<sup>th</sup>**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 8:00 a.m. In addition to Dr. Henggeler, those in attendance included Nicki Chopski, Executive Director; Rich de Blaquiere, PharmD; Kristina Jonas, PharmD; Scott Killian, PharmD; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator and several members of the public. Mr. Sperry arrived at 8:30 a.m.

Josh Bolin, Membership Relations and Government Affairs Director for the National Association of Boards of Pharmacy (NABP) attended the meeting telephonically on behalf of Carmen Catizone, Executive Director of NABP. Mr. Bolin spoke to the concept paper created by NABP to assist in outlining their concepts on expanding their e-Profile and e-LTP program to assist states in implementing participation in Mutual Recognition of Licensure. Idaho recently passed legislation to allow for such mutual recognition.

NABP proposes establishing an Interstate Practice Registry within the NABP e-Profile and CPE Monitor Plus systems to allow for registration of pharmacists in states that have executed an agreement with another state. Fees for use of the system will be set by the Executive Committee with input from member boards and will cover administrative costs and ongoing development of online and mobile application tools.

The Board took up the matter of Interlake Pharmacy's proposed Stipulation and Order. Interlake Pharmacy was not in attendance at the meeting and was not represented by counsel. Following an extensive discussion regarding root cause, patient safety, and penalties that increase patient safety, Dr. Jonas motioned to assess a fine of \$2,000. Mr. Sperry seconded. Following additional discussion, the motion carried with Mr. Sperry opposed.

The Board took up the matter of Safeway Pharmacy #350's proposed Stipulation and Order. Safeway Pharmacy #350 was not in attendance at the meeting and was not represented by counsel. Chairman Henggeler recused herself due to a potential professional conflict of interest. Following a brief discussion Dr. de Blaquiere motioned to approve the Stipulation as written. Dr. Killian seconded, and the motion carried.

The Board took up the agenda item Strategic Planning. Dr. Chopski asked the Board for direction regarding expungement of prior disciplinary action. The discussion began in September 2018 with a memo presented by then Executive Director, Alex Adams. The Board reviewed the memo again and granted unanimous consent to move forward.

The Board's Administrative Rules were not approved by the Legislature during the 2019 session as required. Following discussion Dr. Jonas motioned to grant delegated authority to Dr. Chopski to work with the Division of Financial Management to move forward with establishing temporary rules as per established protocols. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. Chopski introduced Governor Little's Executive Order 2019-02, Red Tape Reduction Act. Governor Little's goal is to reduce regulation in Idaho by mandating agencies provide DFM with a) a business/competitiveness impact statement that identifies the impact the proposed rule will have on individuals and small business; and b) at least two existing rules must be repealed or significantly simplified, or a statement indicating why the existing rules can't be simplified or eliminated. The Board has been tasked with reducing the current Administrative Rules for Pharmacy by 10-12 pages.

Dr. Chopski introduced the Rules Concepts document. Following discussion of the concepts presented Dr. de Blaquiere motioned to approve the AARF removing IDAPA 27.01.04.21-28 to synchronize the rules with Idaho Code changes that take effect July 1, 2019. Dr. Henggeler requested a crosswalk document be created.

Following discussion of the Strategic Planning concepts the Board prioritized the focus for staff:

1. Rule Concepts
2. Mutual License Recognition to include NABP's Interstate Practice Registry
3. Patient Safety Organizations
4. Expungement

The Board discussed patient safety organizations and their use and function across various settings of practice. The Board clarified they were interested in assessing the use of PSOs across the profession. In addition, the Board directed staff to use the concept of Just Culture in its approach to future disciplinary actions.

Dr. de Blaquiere requested staff conduct a survey of pharmacists to determine the extent that PSOs are used throughout the profession and report if the error rates are lower for those that do report to a PSO. Dr. Killian is interested in root cause analysis.

Mr. Sperry left the meeting at 2:30 p.m.

Mr. Fraser presented his request regarding grandfathered technicians and the requirement for proof of a High School Diploma. These technicians have been in the pharmacy profession for many years and are displaced by store closures. Dr. Jonas motioned to grant delegated authority to Board staff to approve Pharmacy Technician in Training applications from Grandfathered Pharmacy Technicians in the last six months

that are unable to provide documentation a GED or High School Diploma. Dr. de Blaquiere seconded, and the motion carried unanimously.

Implementation of rules approved during the 2019 Legislature is in process. The Board would like to review the updated forms at the June meeting.

Dr. Chopski updated the Board on the planning of the District meeting.

Misty Lawrence, Management Assistant presented a budget update to the Board.

#### Fiscal Year Budget

- Fiscal year 2019 budget status with 78% percent of the year elapsed and 64% of the budget expended.
  - Personnel Cost are 70% expended.
    - There is \$343,900 remaining in the personnel budget, the projected cost for the remaining fiscal year is \$269,900.
    - There is approximately \$74,000 in one-time salary savings.
    - Early implementation of CEC will use a portion of this amount, with the remainder being reverted.
  - Operating Expenditures are 46% expended.
    - There is \$406,200 remaining in the operating budget.
    - There are a few large expenses coming in the next couple of months including the maintenance contract for the PMP at \$88,776, the building lease payment of \$100,273.58, and the maintenance contract for the licensing system for FY19 of \$68,984.
    - These annual costs along with the monthly operating expenses will bring the budget close to the full operating appropriation.
  - Operating Expenditures for DHW Contract is 54% expended.
    - There is \$54,400 remaining, \$44,400 for Gateway/Narxcare Licenses and \$10,000 for reports.
    - Staff is working with Apriss to get the remaining invoices for the Gateway & Narxcare licenses that have been implemented, invoices total approximately \$36,500. A portion of these funds may be reverted due to DHW not requesting anticipated reports and may not do so this fiscal year.
    - Teresa Anderson has approved 223 Gateway licenses and 62 Narxcare licenses; there are 427 licenses pending approval.

#### Current Cash Balance

- The Board started the fiscal year with a cash balance of \$2,699,070. Cash balance as of now is \$2,808,300. There will be a large increase in May – June. There will be more added to the cash fund this year than in previous years, though next year we will see a decrease due to the prorated license renewals.

#### Budget Trend Comparison FY16 - FY19 – July – January

- Expenditures are slightly lower than in previous years due to the delay in expenditures for the licensing system.
- Revenue is trending up 45%, \$397,000 over this time last year. An increase of \$4,000 since the last report though there will be a large increase in revenue as renewals start. There is an 40-50% increase in revenue this year with a similar decrease next fiscal year.
- The cash balance is showing significant growth due to the increase in one-time revenue.

#### FY18 Monthly Cash Flow

- Month to cash flow is as expected. There is an uptick in revenue during the Controlled substance renewal and then it levels off.

Accumulative Monthly Cash Flow

- The Board is in the black by \$190,000 even after the last two months where expenditure exceeded revenues. As spring renewals begin the trend will continue.

Staff continues to work with Mr. Snook and Division of Purchasing to reach an agreement with the licensing vendor. Resolution is anticipated by the end of April.

Dr. Jonas motioned to enter executive session pursuant to Idaho Code Section 74-206(1)(b) "to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent..." Dr. Killian seconded, and the motion carried unanimously. Executive session began at 3:25 p.m.

Dr. Jonas motioned to leave executive session. Dr. Killian seconded, and the motion carried. Executive session ended at 4:15 p.m.

Dr. de Blaquiére motioned to adjourn. Dr. Jonas seconded, and the motion carried. Meeting adjourned at 4:17 p.m.

APPROVED

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
June 13, 2019**

**Board of Pharmacy Office  
Boise, Idaho**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 9:00 a.m. In addition to Dr. Henggeler, those in attendance included Nicole Chopski, PharmD, Executive Director; Rich de Blaquiere, PharmD; Kristina Jonas, PharmD; Scott Killian, PharmD; Ed Sperry; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Ellen Mitchell, Program Information Coordinator and several members of the public.

Dr. Jonas motioned to approve the April minutes as written. Dr. de Blaquiere seconded, and the motion carried unanimously.

The Board took up the matter of the Consent Agenda. Dr. Henggeler expressed her appreciation of the travel summaries submitted by Board members and staff. Dr. Jonas presented at the NW Pharmacists' Convention in Coeur d'Alene and noted attendance of Idaho pharmacists is very low.

Dr. Chopski updated the Board on the APhA Institute of Substance Use Disorders she attended in Salt Lake City in May. There was extensive information regarding how different drugs interact with the brain and why certain drugs are combined. Many of the presenters were in recovery and serve as mentors to new people entering recovery. Dr. Chopski would like to see at least one Board members attend this conference each year.

Dr. Jonas, Mr. Sperry, and Dr. Henggeler will attend the ISHP fall meeting; Dr. Chopski will be presenting.

Director's Expenses were not included as the Management Assistant (MA) position has been vacant. A full financial report will be presented at the August meeting. Theresa Arnold has accepted the MA position and will transition on July 1. Mr. Fraser updated the Board on the Remote Dispensing Sites. There are currently 17 sites up and running. There are a few applications in process. Following brief discussions surrounding Delegated Authority and the Board Performance Dashboard, Dr. Jonas motioned to accept the consent agenda. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the Consent Agenda Stipulations and Consent Orders. Included in the agenda item were:

1. Cardinal Health 200 LLC
2. Craig Smith, MD
3. Caleb Senecker, Pharmacy Technician in Training

Dr. de Blaquiere motioned to accept the Stipulations and Consent Orders as written. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Chopski updated the Board regarding work that has been done relating to outstanding disciplinary action. There have been several meetings between Board staff, Mr. Olsen, and Ms. Larrando to create a process that includes board staff completing additional investigative work that in turn could result in more education and corrective action plans as a discipline alternative. Once the process is finalized and implemented, the process for various cases should move much faster. Mr. Olsen indicated the bulk of cases are handled within a two-month period, which from a legal standpoint is very fast.

Dr. Chopski presented the Board with draft rules to be presented to the Governor as part of the Omnibus Rule making. Non-substantive changes and rules that wouldn't require negotiated rules making have been included in the draft. Mr. Sperry motioned to include language that provides an opportunity for Board Certification to be valid for continuing education; research to be done on implementation, and how to include a larger population of our licensees. Dr. de Blaquiere seconded, and the motion carried unanimously. Dr. Chopski shared Ohio's continuing education language and will bring additional research to the next meeting.

Following the presentation of public comment received and extensive debate Dr. Jonas motioned to put Positive Identification back in the draft for discussion over the summer. Mr. Sperry seconded, and the motion carried with Dr. Killian opposed. Dr. Chopski will work with DFM to get the language added due to the approaching deadline.

Following additional conversation regarding pharmacy technicians, Dr. Chopski will draft language and bring it to the July meeting.

Dr. Jonas motioned to accept the draft rules with the changes discussed. Dr. Killian seconded, and the motion carried unanimously.

Dr. Chopski shared an invitation from Governor Little to the Red Tape Reduction and Licensing Freedom Act ceremony. Drs. Henggeler and Jonas, and Mr. Sperry will attend.

Following the lunch break Dr. Chopski presented agency legislation 37-2744 Forfeitures. Following a brief discussion, the Board granted unanimous consent to move forward with removing the Board of Pharmacy from witnessing the destruction of seized controlled substances.

Dr. Chopski presented 54-1704 Practice of Pharmacy requires modification to be in line with House Bill 182. Following discussion, the Board granted unanimous consent to move forward with changes to be reviewed at the next meeting.

Dr. de Blaquiere motioned to direct board staff to gather information on prescribing practices trends with a plan to make publicly available. Dr. Jonas seconded, and the motion carried unanimously. Dr. Chopski will create informational documents to place on the website.

Following a brief discussion of Idaho Code 54-1739 Prospective Drug Review and Counseling, the Board granted unanimous consent for Dr. Chopski to move forward with modifications to be reviewed at the next meeting.

The Board took up the agenda item Board Discussions. Dr. Chopski called out rule 230.01-03. Board staff began issuing temporary licenses to pharmacies prior to their opening inspection to allow pharmacies to ensure insurance and Medicaid contracts were in place when they opened. DEA will not issue on a temporary license. Without the state license and DEA registration in place, insurance contracts are not executed. The board reviewed the written public comment that had been received on this topic. Dr. Jonas motioned to interpret 230.01 to mean the issuance of the pharmacy license number does not have to coincide with the opening inspection, however the opening inspection is tied to the receipt of drugs per rule 230.01. Dr. de Blaquiere seconded, and the motion carried unanimously. Dr. Jonas motioned to remove rule 230.03. Dr. Killian seconded, and the motion carried unanimously.

Dr. Chopski presented written public comment received relating to rule 501.03 perpetuating further discussion by the Board. Board staff recently sent a notification to licensed Wholesalers and Manufacturers notifying them of the reporting requirement for sales to practitioners. Following presentation and review of written public comment, the Board chose to keep the rule as is.

Dr Chopski confirmed the Boards Oct 2018 decision to permit enforcement discretion for background checks and fingerprinting as it relates to Idaho licensed pharmacists who are now registering as PIC's of a non-resident pharmacy as per Rule 215. Dr. Chopski presented written public comment to the board that had been received since the board packets had been distributed.

During public comment, Dr. Jennifer Adams indicated that ISU has faculty to help community pharmacies implement independent prescribing and standards of care.

Dr Chopski presented an update from Tami Eide on the efforts being made by Medicaid to get educational information together for pharmacists that will address the new Medicaid rule that prohibits pharmacists from allowing patients to pay cash for a controlled substance prescription.

The Board took up the appeal of Connie Kucera-McConnell. Following a brief discussion, Mr. Sperry motioned to approve the application with a \$250 fine. Dr. de

Blaquiere seconded. The motion carried with Dr. Henggeler voting for the motion. Drs. Jonas and Killian were opposed.

Dr. Chopski presented the Delegated Authority listing for review and reauthorization. Following a brief discussion, Dr. Chopski will prepare a red-lined version of the document for future review.

Dr. Chopski introduced a review of the Board Performance Dashboard. The Board would like to see new goals/measures for Inspectors and Licensing. She will work with supervisors to identify goals that align with the Strategic Plan.

There have been several pharmacy burglaries in recent months. Dr. Chopski is working with staff to create a best practices document regarding security to make publicly available to pharmacies.

Mr. Fraser presented information to the Board regarding medication errors he has investigated in the last several months. He also shared ideas for survey questions regarding patient safety processes.

Mr. Fraser presented an update on complaints received by the Board office this fiscal year:

- 152 complaints
- 46 are in various stages of investigation
- 57 closed with Board action
- 41 closed with no action or referral to other boards
- 8 closed with Corrective Action Plan (CAP)

Dr. Chopski provided the Board with an agenda for the NABP District meeting to be held in Boise in October. She will provide more information as it becomes available.

Dr. Jonas motioned to enter executive session pursuant to Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Dr. de Blaquiere seconded. The motion carried unanimously by roll call vote. Executive session began at 5:12 p.m. Dr. Jonas motioned to leave executive session. Dr. de Blaquiere seconded, and the motion carried unanimously by roll call vote. Executive session ended at 5:35 p.m.

Dr. de Blaquiere motioned for Dr. Henggeler to serve as the Board Chair for the next year. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Killian motioned for Dr. Jonas to service as the Board Vice Chair for the next year. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. Jonas motioned to adjourn. Dr. Killian seconded, and the motion carried. Meeting adjourned at 5:38 p.m.

APPROVED

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
July 11, 2019  
Conference Call**

**Board of Pharmacy Office  
Boise, Idaho**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 7:00 a.m. Those in attendance telephonically included Dr. Henggeler, Rich de Blaquiere, PharmD; Wendy Shiell, Compliance Officer; Andy Snook, DAG; and several members of the public.

Those in the Board office included Nicole Chopski, Executive Director; Kristina Jonas, PharmD; Berk Fraser, RPh, Deputy Executive; Ellen Mitchell, Program Information Coordinator; Theresa Arnold, Management Assistant.

Ed Sperry was unable to attend the meeting. Dr. Scott Killian's term expired June 30, 2019 and he did not seek re-appointment.

Dr. Jonas motioned to approve the June minutes with minor corrections. Dr. de Blaquiere seconded and the motion carried.

Following a brief discussion of the Travel Calendar, the Board granted unanimous consent to move forward.

The Board took up the agenda item of discussion with Walmart. Larry Cote, outside legal counsel for Walmart and Kim Frazier, Senior Associate Counsel for Walmart joined the call. The Board invited Walmart representatives to attend the meeting to answer questions regarding a pharmacy practice policy of the company to block certain prescribers from having their patients' controlled substance prescriptions filled at Walmart. Following a lengthy discussion, the Board thanked Mr. Cote and Ms. Frazier for participating and attempting to answer the Board's questions.

The Board took up the matter of Bryn Baker, Pharmacy Student. Ms. Baker attended the meeting in person, without legal counsel. Dr. de Blaquiere motioned to accept the stipulation as written. Dr. Jonas seconded, and the motion carried.

Dr. Chopski presented draft rule changes to the Board. Following extended discussion regarding the draft changes to the pharmacy technician rules, Dr. Jonas motioned to move forward with the changes as written. Dr. de Blaquiere seconded, and the motion carried with Dr. Henggeler opposed.

During public comment Dr. Jennifer Adams expressed concern regarding the removal of pharmacy technician certification requirements.

Board staff also received public comment in opposition to the removal of positive identification when picking up a controlled substance prescription. Board staff will seek additional public comment from law enforcement regarding this positive identification rule.

Dr. Chopski presented the red-lined Delegated Authority document for the Board's review. Following the section relating to pharmacists, Dr. Jonas motioned to table the remaining portion of this item and all other outstanding agenda items to be addressed during the August meeting. Dr. de Blaquiere seconded, and the motion carried.

Dr. Jonas motioned to adjourn. Dr. de Blaquiere seconded, and the motion carried. Meeting adjourned at 10:04 a.m.

APPROVED

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
August 15, 2019**

**Idaho State Capitol Building  
Boise, Idaho**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 9:03 a.m. Those in attendance included Kristina Jonas, PharmD; Rich de Blaquiére, PharmD; Ed Sperry; Nicole Chopski, Executive Director; Berk Fraser, RPh, Deputy Executive; Jaime Thompson, Amy Hickerson, and Wendy Shiell, Compliance Officers; Fred Collings, Chief Investigator; Andy Snook, DAG; Ellen Mitchell, Program Information Coordinator; Theresa Arnold, Management Assistant and several members of the public.

Dr. Jonas motioned to approve the July minutes with minor corrections. Dr. de Blaquiére seconded and the motion carried.

Dr. Chopski announced Governor Little's appointment of Justin Messenger, PharmD to the Board of Pharmacy. Dr. Messenger is a hospital pharmacist practicing in Idaho Falls and will be at the August 29<sup>th</sup> meeting.

The Board took up each item of the Consent Agenda separately. Dr. Chopski explained the changes to the Performance Dashboard to better align with the Board's Strategic Plan. Dr. Jonas commended the Board's licensing staff on their timely processing of reciprocity applications. During a brief discussion of the Travel Calendar Dr. Chopski indicated Dr. Messenger will attend the ISHP meeting, Theresa Arnold will attend the FDA meeting with Inspector Hickerson, and Mr. Sperry will attend the Arkansas Prescription Drug Abuse Prevention Summit.

Mr. Fraser presented the Culture of Safety survey form. The inspectors will complete the survey separately from routine inspections. Dr. de Blaquiére is looking forward to the information obtained by the survey.

Mr. Fraser also presented the year end complaint status report. Dr. de Blaquiére requested medication errors be tracked by type for informational purposes. Following a brief discussion Dr. Jonas motioned to approve the Consent Agenda. Dr. de Blaquiére seconded, and the motion carried.

The Board took up the Consent Agenda: Stipulations and Orders which contained:

- Empower Pharmacy
- Wells Pharmacy TN
- Wasem's Pharmacy
- Healthy Habits CDA

- Cynthia Anderson, NP

Dr. de Blaquiere motioned to approve Empower Pharmacy, Healthy Habits CDA, and Cynthia Anderson, NP. Dr. Jonas seconded, and the motion carried.

Following a brief discussion Dr. Jonas motioned to approve Wells Pharmacy TN. Mr. Sperry seconded, and the motion carried.

Dr. Henggeler questioned the amount of the fine in the Wasem's Pharmacy case indicating it could have been much higher. Following a brief discussion, Dr. de Blaquiere motioned to approve the stipulation as written. Mr. Sperry seconded, and the motion carried.

Steve Olsen, DAG the Board's prosecuting attorney, updated the Board on the process of bringing Stipulation and Consent Orders before them. The Board thanked Mr. Olsen for the update and expressed their appreciation for the work he does for the Board.

The Board took up the matter of Legislation and Rule Review. Dr. Chopski explained the deadlines for document submission has changed due to the Omnibus rulemaking process. The Board met the requirements of negotiated rulemaking with its June and July meetings. For efficiency purposes, omnibus rulemaking will be pursued going forward and the board will continue to accept public comment on proposed changes until the August 29, 2019 meeting when the rule changes will move to pending.

Dr. Chopski presented the proposed changes to 37-2744 Forfeitures and the proposed changes to 37-2718 Discipline. There was no written public comment, and no verbal comment was offered regarding these changes during the meeting. The Board granted unanimous consent to move forward with the changes.

Dr. Chopski presented the proposed changes to 54-1704 Practice of Pharmacy. Dr. Chopski received written public comment from the medical community asking the age limit for immunizations be retained in the statute. Following a brief discussion Dr. de Blaquiere motioned to retain 54-1704(5)(b). Mr. Sperry seconded, and the motion carried with Dr. Jonas opposed.

Dr. Henggeler called for public comment, none was offered.

Dr. Chopski presented the proposed changes to 54-1705. There was no written public comment. Dr. Jonas motioned to condense 54-1705(37) as discussed and accept the other changes to the section. Dr. de Blaquiere seconded, and the motion carried.

Dr. Henggeler called for public comment, none was offered.

Dr. Chopski presented the proposed changes to 54-1711 Vacancies and 54-1722 Qualifications for Licensure by Examination. There was no written public comment. Dr.

Henggeler called for public comment, none was offered. Dr. Jonas motioned to accept the proposed changes as written. Dr. de Blaquiere seconded, and the motion carried.

Dr. Chopski presented the proposed changes to 54-1725 Continuing Pharmacy Education and 54-1733 Epinephrine Auto-Injectors. There was no written public comment. Following a brief discussion, Dr. Henggeler called for public comment, none was offered. Dr. Jonas motioned to proceed with the changes as written with minor grammar and spelling corrections. Dr. de Blaquiere seconded, and the motion carried.

Dr. Chopski presented the proposed changes to 54-1739 Prospective Drug Review and Counseling and 54-1768 Prescriber Authorized Substitution. No written public comment was received. Following a brief discussion, Dr. Henggeler called for public comment, none was offered. Dr. de Blaquiere motioned to proceed with the changes as written. Mr. Sperry seconded, and the motion carried.

Dr. Chopski presented the proposed changes to 37-2705 Schedule I to conform with the DEA Schedule I list. There was no written public comment, and none was offered at the meeting. Dr. Jonas motioned to accept the changes as written Dr. de Blaquiere seconded, and the motion carried.

Dr. Chopski presented the agenda item Outside Agency Rules. Dr. Chopski received notice of rulemaking from various boards that may impact the Board of Pharmacy. Following a review there was no action needed by the Board.

Dr. Chopski received written comments from four Idaho pharmacists regarding the changes to the pharmacy technician rules and all but one was in support consolidation of the technician categories. The National Healthcareer Association (NHA) and the Idaho Society of Health Systems Pharmacists (ISHP) submitted written comment in opposition to consolidation. The Institute for Justice report was also received as public comment on the topic.

Dr. Chopski received six written public comments from Idaho law enforcement personnel in support of maintaining the positive identification rule.

Written public comment was also received from DFM on the reauthorization of the administrative rules. The Board acknowledged reviewing this extensive set of documents.

Katie Erickson, PharmD attended the meeting to represent ISHP. Dr. Erickson stated ISHP was supportive of certification for pharmacy technicians when it was introduced in 2008. They are not in favor of removing the certification requirement as they believe it creates a patient safety issue. They asked the Board to retain the certification requirement.

Mr. Collings testified that twenty-seven states have positive identification laws with Montana being the most recent state to add it to their law. Mr. Collings indicated that the

PDMP uses an algorithm to merge patients who are entered in the system multiple times. In the event of an incorrect merge, staff must contact the pharmacy to obtain positive identification to ensure profile integrity. He is in support on retaining the current positive identification rule. Mr. Collings also spoke of his previous collaborations with Detective Justin Wright who had submitted a letter to the board.

Mark Johnston, RPh, CVS Health, testified in support of the changes to the pharmacy technician rules. He indicated there are no studies available that looks at patient outcomes comparing certified to non-certified technicians. A recent survey funded by the Pharmacy Technician Certification Board (PTCB) shows there is no statistically significance differences in the skills between certified and non-certified technicians. PTCB's website lists ISHP local state association as a paid affiliate to advocate for technician certification. NABP's 2019 Survey of Pharmacy Law show nine of the states that allow tech-check-tech do not require technician certification. There are some states that do not require registration of pharmacy technicians, however in those states, CVS still requires their technicians to complete 240 hours of class room and on-the-job-training.

Pam Eaton, Director of ISPA and the Idaho Retailer's Association testified that the majority of the membership of both of her associations are in support of consolidating the technician rules and removing the certification requirement. They both support additional training though they believe it should be voluntary, not mandatory.

Dr. Henggeler called for additional public comment, none was offered.

Following the lunch break, Dr. Chopski reviewed the proposed changes to definitions including the proposed change to the definitions of technician and alternatives to CPE. The language had been reviewed at previous meetings and was presented for further discussion. Dr. Chopski wanted to reiterate the Board supports education and certification. The intention of the proposed rule changes isn't to downplay the importance of education and training, but to allow for businesses to make the decision on appropriate training and education requirements for their practices. The changes also reduce the burden of licensure in compliance with the Licensure Freedom Act implemented by Governor Little. Dr. Chopski also offered anecdotal data from her Town Hall meetings last month showing both technicians and pharmacy owners indicated they would continue to pursue certification and advanced training regardless of the changes to Idaho law.

Following an extended discussion regarding the draft changes to the pharmacy technician rules, Dr. Henggeler called for additional public comment. None was offered. Dr. Chopski offered alternative draft language for discussion. Following further discussion Mr. Sperry motioned to modify rule 220 by striking .01 and .02 and accepting the alternative language as drafted. Motion failed for lack of a second. Dr. de Blaquiere then motioned to accept rules 220 and 221 as drafted in the alternative language and the drafted striking of rules 222 and 223. Mr. Sperry seconded. During discussion the board asked board staff how, current technicians could be transitioned. Mr. Fraser

stated the licensing system could convert seamlessly. Dr. Henggeler clarified Dr. Chopski would bring an updated draft to the August 29<sup>th</sup> meeting and that the public comment period is open until then. Following additional discussion, Dr. Henggeler called for the vote, the motion carried with Dr. Jonas opposed.

Dr. Henggeler called for public comment. Mr. Johnston indicated he would have better comment after reviewing the language. Ms. Eaton indicated she would submit comments after review of the language as well. Dr. Henggeler encouraged all to obtain the language from the website. The final opportunity for public comment will be during the August 29<sup>th</sup> conference call.

Dr. Chopski shared that she had received positive feedback for the Board's interpretation of rule 230.01. The board confirmed its continued support for striking rule 230.03.

Dr. Chopski continued review of the proposed rule changes to 302.05. The proposed change to rule 350.08 to strike the statutory reference was discussed. Due to the Board leaving 57-1704(b) in the statute, the Board no longer supports the proposed change to this rule. No public comment was received, and none was offered during the meeting for these changes.

The Board reviewed rule 408 Dispensing Controlled Substances: Positive Identification, written public comment was included in the Board packet. The Board also heard public comment earlier in the day. Dr. Henggeler called for additional public comment. Hearing none, Dr. Jonas motioned to keep Rule 408 in the rule book. The motion failed for lack of a second. Mr. Sperry motioned to keep the draft as written with rule 408 being struck, Dr. de Blaquiére seconded. Following additional discussion, the motion failed with Mr. Sperry and Dr. de Blaquiére in favor, Drs. Henggeler and Jonas opposed. Dr. de Blaquiére encouraged additional public comment and specifically law enforcement cases where positive identification made an impact.

Dr. Chopski reviewed rule 701.07 Sterile Preparation Policies and Procedures. Following a brief discussion Mr. Sperry motioned to remove 701.07 as presented but to replace it with language similar to that in 702.09 for review at the next meeting, Dr. de Blaquiére seconded. The motion carried with Dr. Jonas opposed.

Dr. Chopski reviewed rule 702.09 Hazardous Drug Preparation Policy and Procedures Manual. Dr. de Blaquiére motioned to retain the rule. Mr. Sperry seconded, and the motion failed with Drs. Henggeler and Jonas opposed.

The Board reviewed non-substantive changes to the rules that were generated by a recent training at DFM where agencies were encouraged to identify "False positive" restrictions, definitions that duplicate statute or are not used, time-limited language, internally-facing agency directives, language that may not have withstood the test of time, opportunities to combine chapters of like substance, rules no longer being enforced, "Addition by Subtraction" and fee schedules. Following the Board's review of

several of these changes, the Board approved the changes with unanimous consent with one additional edit to change 213.02.(b) to reflect CME certificates will be submitted upon audit.

Dr. Chopski will update the proposed rules and post them on the website.

Dr. Henggeler called for public comment regarding rule changes or any other topic. Hearing none, the Board took up the financial report.

Theresa Arnold presented the Board's fiscal year-end financial report. Mrs. Arnold is in the process of writing the FY2021 budget and will present the information in October. The Board thanked Mrs. Arnold and looks forward to reviewing the 2021 budget request.

Dr. Henggeler revisited the Board Performance Dashboard. Dr. Chopski clarified that changes will be made so it reflects goals in the Board's Strategic Plan and staff is exceeding current goals. Following review of the Delegated Authority-Corrective Action Plan document, Dr. Henggeler asked for an updated clean version for the August 29<sup>th</sup> meeting for finalization.

Dr. Jonas motioned to adjourn. Mr. Sperry seconded, and the motion carried. Meeting adjourned at 5:50 p.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
October 23, 2019**

**Board of Pharmacy Office,  
Boise, Idaho**

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

Chairwoman Holly Henggeler, PharmD, called the meeting to order at 10:30am. In attendance were Board members Justin Messenger, PharmD; Rich de Blaquiére, PharmD; Kris Jonas, PharmD; and Ed Sperry, Public Member, as well as Nicki Chopski, PharmD, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Andy Snook, DAG; Ali Breshears, DAG; Amy Hickerson, CPhT and Jaime Thompson Compliance Officers; Fred Collings, Chief Controlled Substance Investigator, Theresa Arnold, Management Assistant and several members of the public.

Dr. Jonas motioned to approve the minutes of the August 29, 2019 conference call with minor corrections; Dr. de Blaquiére seconded, the motion carried unanimously. Mr. Sperry was not in the meeting at the time. The Board later discovered the minor correction was not a misspelling, Chairwoman Holly Henggeler, PharmD stated the minutes will reflect the correct spelling of Dr. Jen Adams name.

Andy Snook, DAG, presented Open Meeting Laws, Ethics and Public Records. Mr. Snook answered questions from the Board regarding use of cell phones, texts, recusals and attorney client privilege. Per request our office Conflict of Interest policy will be emailed to the Board members.

Dr. Henggeler requested that the Board discuss the individual Consent Agenda items. Dr. Chopski reminded the Board members that the January 28<sup>th</sup> NABP trip needs to be filled. Dr. Jonas agreed to attend. Dr. Jonas motioned to approve the individual consent agenda items as provided. Dr. Messenger seconded, the motion carried unanimously.

The Board took up the Consent Agenda Stipulations and Consent Orders. Included in the agenda item were:

1. Michael Shipp, DMD
2. Idaho Drug
3. John Goodrich, DDS

Dr. Messenger recused himself from the Idaho Drug consent agenda. Dr. Jonas motions to approve the Consent Agendas as written. Dr. de Blaquiére seconded, the motion carried unanimously. Mr. Sperry rejoined the meeting but did not vote.

Following lunch Mr. Fraser, RPh, Deputy Executive Director presented the culture of safety survey. Compliance officers Jaime Thompson and Amy Hickerson CPhT both indicated that the survey has been well received by the facilities.

The Board set meeting dates for 2020.

1. February 6
2. April 9
3. June 11
4. July 9 conference call
5. August 6
6. August 27 conference call
7. October 22

Ms. Arnold presented the financial report for the first quarter of fiscal year 2020.

1. Overall budget request for the agency was \$2,673,800
2. The agency has a cash balance of \$2,935,900 – the agency has plans in place to bring down the cash balance.
3. The Fiscal year is 25% elapsed with 22% of the budget expended.

The board took up the 2020 Strategic planning. They instructed Dr. Chopski to look into the following 5 items.

1. History and value of CE's.
2. Expungement
3. Portability and Mobility compact – try to find states to partner with.
4. How to handle standard of care cases.
5. Paperwork reduction

Dr. de Blaquiere motioned to adjourn. Dr. Jonas seconded the motion, the motion carried unanimously. The meeting adjourned at 3:42pm

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
August 29, 2019  
Conference Call  
Board office, Boise, Idaho**

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

Chairman Holly Henggeler, PharmD, called the meeting to order at 7:03 a.m. In addition to Dr. Henggeler those attending from the Board office included Kris Jonas, PharmD; Nicki Chopski, Executive Director; Theresa Arnold, Management Assistant; Berk Fraser, Deputy Executive Director; and Ellen Mitchell, Investigation Support Coordinator.

Those attending telephonically included Justin Messenger, PharmD; Rich de Blaquiére, PharmD; Ed Sperry, Public Member; Andy Snook, DAG; and several members of the public.

Dr. Jonas motioned to approve the minutes of the August 15, 2019 meeting as written. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Henggeler asked Dr. Chopski to frame the discussion surrounding Legislation and Rule Review. Dr. Chopski indicated due to the omnibus rule making procedure and the earlier deadlines from DFM, the decisions made today will move the proposed rules to pending rules. She presented the changes made following the last meeting to the definitions including the definition of a pharmacy technician. The Board was provided written comment received by the Board office. Following discussion Dr. Henggeler called for public comment, none was offered.

Next the board reviewed the language regarding technician registration presented at the last meeting. The board reviewed the written public comment received from ISHP, Jeremy Sasser with NHA and Barbara Syriac. Dr. Henggeler called for additional public comment. Dr. Jenifer Adams, ISU Associate Dean, offered her comments to the board on the language. The board determined that "and" should be retained and "or" struck from the draft language. Misty Lawrence, DFM analyst, offered comment to the board on this change also. After no further public comment was offered, the board by roll call unanimously agreed to proceed with the drafted language with the change to "and" in Rule 220. Dr. Jonas noted that it was her preference to drop the high school education requirement from Rule 221. Dr. Henggeler related her preference for a commitment to a "program" as Rule 221 states. Dr. de Blaquiére had stated his interpretation of the term 'program' was broad and could encompass several options.

Dr. Chopski provided a brief overview of non-substantive changes. Dr. Henggeler called for public comment regarding any of the changes including those made to 350.08. It was noted that IMA had provided written comment thanking the board for the changes it made to the statutes in the last meeting. Hearing none, the Board began a discussion

regarding rule 409 Positive Identification. The Board received additional public comment following the last meeting. Dr. Henggeler asked for each board member by roll call to comment. Dr. Jonas wants to keep the language in the rules as does Dr. Messenger. Dr. de Blaquiére appreciated the public comment and is in favor of keeping the rule in place. Mr. Sperry and Dr. Henggeler also voiced support for the rule to stay in place.

The Board then reviewed the updated language change to 701.07 and the un-striking of 702.09. With unanimous consent the board agreed to the language as presented.

Following another brief discussion regarding pharmacy technicians, Dr. de Blaquiére motioned to accept the rules as written with the minor modifications discussed and move the rules from proposed to pending status. Dr. Jonas seconded, and the motion carried unanimously. Dr. Henggeler called for public comment. Dr. Jenifer Adams asked the Board to consider if there is a clinical difference between vaccinating children that are 7 years old versus 6 years of age.

Dr. Chopski presented the Delegated Authority document for discussion. Following a lengthy discussion, Dr. Henggeler asked for unanimous consent to accept the document with the minor changes discussed. Unanimous consent was granted.

Dr. Chopski presented the Travel Calendar, indicating NABP's 2020 travel calendar is out and will be included in the next agenda packet. The Board will also set their meetings for 2020 at the next meeting. Dr. Jonas expressed her intent to attend APHA in March 2020.

Mr. Sperry commended Dr. Chopski on the great job she has done with the transition to the executive director position and all the hard work she has done.

Hearing no other business, Dr. Jonas motioned to adjourn. Mr. Sperry seconded, and the motion carried. Meeting adjourned at 8:45 a.m.

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
December 17, 2019  
Conference Call**

**Board of Pharmacy Office  
Boise, Idaho**

This meeting of the Board was held to discuss personnel items.

Chairman Holly Henggeler, PharmD, called the meeting to order at 10:09 a.m. Those in attendance telephonically included Dr. Henggeler, Kris Jonas, PharmD; Justin Messenger, PharmD, Rich de Blaquiere, PharmD; Ed Sperry; Ali Breshears, DAG; and members of the public.

Those in the Board office included Berk Fraser, RPh, Deputy Executive and Ellen Mitchell, Program Information Coordinator.

Dr. Jonas motioned to enter executive session as authorized by Idaho Code 74-206(1)(b)

*(1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:*

*(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student;*

Mr. Sperry seconded the motion. The motion carried unanimously by roll call vote.

The Board entered executive session at 10:12 a.m.

Mr. Sperry motioned to adjourn executive session, Dr. de Blaquiere seconded. The motion carried unanimously by a roll call vote. Executive session adjourned at 10:22 a.m.

Dr. Jonas motioned to adjourn, Dr. de Blaquiere seconded. The motion carried by roll call vote. Mr. Sperry had already left the meeting. Meeting adjourned at 10:30 a.m.