

**MINUTES OF THE IDAHO
STATE BOARD OF
PHARMACY**

**August 26, 2021
Board Meeting & Conference Call
1199 Shoreline
Boise, Idaho**

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

Chairman Rich de Blaquiere, PharmD, called the meeting to order at 8:00 a.m. Those in attendance included Rich de Blaquiere, PharmD; Kris Jonas, PharmD; Justin Messenger, PharmD; Kevin Ellis, Pharm D, Ed Sperry, Public Member; Ali Breshears, DAG; Dayton Reed, DAG, Keegan Hahn, DAG; Nicki Chopski, PharmD, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Theresa Arnold, Management Assistant; Jessica Solis, Administrative Assistant; Katie Stuart, Associate Director Board of Nursing; Amy Hickerson, Investigator; Wendy Shiell, Investigator; Jaime Thompson, Investigator, and members of the public.

Dr. Jonas motioned to approve the minutes of June 10, 2021, as written with minor corrections, Ed Sperry seconded. The motion carried unanimously.

Mrs. Arnold presented the financial report and the director's expenses. Following a brief discussion, Dr. Jonas motioned to accept the financial report. Dr. de Blaquiere seconded, the motion carried unanimously.

The Board reviewed the consent agenda. Dr. Chopski pointed out on the dashboard, the unsolicited reports have had an N/A next to them for the last several months. We have not had staff to complete this task, but an offer has been made for a new Research Analyst joining the team this month. A plan is in place to rectify the unsolicited reports. Dr. Chopski personally recognized her appreciation for Dr. De Blaquiere and Dr. Jonas for volunteering to be on NABP.

The Board took up the Consent Agenda: Stipulation & Consent Orders which included Honeybee Heath and Rite-Aid 5413

The Board approved Honeybee Health by consent agenda.

Mr. Sperry motioned to approve Honeybee Health by the consent agenda without including Rite-Aid. The Board then took up the matter of Rite-Aid 5413, following extensive discussion and a failed motion to reject and re-visit the corrective action plan process, Dr. Messenger moved to accept stipulation as written. Dr. Ellis seconded the motion, and the motion carried unanimously.

Dr. de Blaquiere proceeded with the administrative hearing regarding Janet Fugate. Ms. Fugate appeared for the hearing in person and without legal counsel. The issue in this case is that Ms. Fugate is unable to provide record of her high school diploma. Dr. Jonas asked to discuss further about the requirement of high school diplomas. Dr. Chopski advised it would be coming up later on the agenda. After a brief discussion, Dr. Jonas motioned to approve the application. Mr. Sperry seconded motion, and the motion carried unanimously.

The Board took up the request from Mr. Chad Jungert to be released from his PRN contract. Dr. de Blaquiere proceeded with the hearing regarding Mr. Jungert and his request for release from the PRN Program. Mr. Jungert attended the hearing in person and without legal counsel. After extensive discussion, Dr. Jonas motioned

for Mr. Jungert to be released from the PRN contract. Dr. Messenger seconded, and the motion carried unanimously.

The Board took up the topic of Continuing Pharmacy Education audits. The Board made the suggested changes and will review in October for final approval.

Delegated Authority Policy

5 and under – Warning letter

6-10 CAP, double CEs and \$50 per credit

11+ CAP, double CEs and \$100 per credit

Repeat offenders will be escalated one level up.

10+ repeat offenders, stipulation, double CEs, \$300 per credit.

Those who do not return and complete their CAP within 60-day deadline will go to stipulation.

Those who do not respond to the original notice within 60-days of the deadline they will go straight to complaint and possible hearing.

Following an extensive discussion, the Board decided to do separate motions for the 2020 CPE audit and 2021 CPE audit. Regarding year 2020, CPE audits that were found to be deficient, Mr. Sperry motioned to mail a warning letter without discipline to everyone, considering COVID. Dr. Jonas seconded motion, and the motion carried unanimously.

Dr. Chopski updated the Board on several topics. Dr. Chopski and Dr. Tim Frost attended stakeholder townhall meetings across the state asking for input from compounders. There wasn't overwhelming support from the community to sign the FDA MOU. FDA announced that they will delay enforcement until October of 2022.

The Board reviewed the Delegated Authority Policy and suggested edits. The Board agreed to strike DA-P9 as it is no longer necessary. Dr. Jonas moved to approve with amendments except that the CPE changes are to be reviewed again at the next meeting. Dr. Ellis seconded. The motion carried unanimously.

Dr. Chopski announced that we will be moving to the Chinden Campus on July 1, 2022. Performance measure review report was distributed for the Board to review. The performance measures are tied directly to the strategic plan, which was shared with the board at a previous meeting. Organizational chart 3 is still being worked on and positions are being posted as of now. Staff can review and apply if they are interested. Administrator Barron is working on the overall DOPL strategic plan and budget.

Dr. Chopski updated the Board on positions that have been filled. Research analyst has been filled and Hunter Coleman will start next week. Linda Brown, the new DOPL fiscal officer is in place and has started transitioning over the finances. As of now, the Board of Pharmacy is still managing their own finances.

Ms. Breshears updated the Board regarding the Chambers case. Ms. Breshears informed the Board that the Idaho Supreme court declined the request to review the case and assigned it to the Court of Appeals. A hearing has been scheduled for October 12, 2021.

Dr. Chopski informed the Board on the new investigators that have been co-located. Mr. Celeste is the new Controlled Substance Investigator for the Board of Pharmacy. Mr. Aamodt will be the investigator over the health professions coming from occupations and Ms. Anzalone and Ms. Stelle are investigators with the Board of Nursing. The DOPL investigations team will have a total of 9 investigators that will represent the Health Professions. The Deputy Attorney General, Keegan Hahn also introduced himself to the Board. He is Steve Herrings replacement.

Dr. Chopski discussed expungement. After doing additional research it was determined expungement is not place at DOPL. This is a portion of the overarching DOPL discipline bill.

Dr. de Blaquiere asked for public comment. There were no comments from the public in the room or on those on the phone.

Following the lunch break, Dr. Frost provided the Board with a legislative update. He provided a review of controlled substances that are proposed schedule changes to the Idaho controlled substance scheduling list in alignment with DEA scheduling changes. The Board will review language changes during the October meeting. He provided a brief overview of the upcoming changes regarding Grounds for Discipline for all 16 Healthcare Boards under Title 54 to ensure a uniform health professions discipline chapter. He reviewed definitions; he distributed a document of proposed definitions changes. The Board will also see the final review of this document in October. Lastly Dr. Frost provided a document relating to controlled substance registration and the changes needed for the Board of Pharmacy to issue an Idaho CS registration before receiving a DEA number. This document had suggested IDAPA rule changes. At this time Board staff needs to work with counsel to determine if statute changes are necessary. Another opportunity for review will come before the Board during their October Board meeting for a vote.

The Board took up the topic of reporting the remote dispensing site list. There are currently 18 remote pharmacy locations in Idaho. Dr. Chopski asked the Board if they want to continue to see this list at each board meeting. The Board agreed that this no longer needs to be part of the Board packet moving forward.

Lastly the Board took up the topic of Expungements. It was discussed that the new bill for discipline will include language for expungement. Students and Board of Pharmacy staff reviewed other states language and provided Dr. Frost with suggested language. Dr. Chopski stated that she will bring expungement cases to the next Board meeting for the Board to review.

Jennifer Adams, PharmD offered public comment regarding education for pharmacy technicians and the importance of maintaining the requirement of a high school diploma or equivalent.

Dr. Jonas motioned to adjourn. Dr. Messenger seconded, and the motion carried. Meeting adjourned at 3:50 p.m.

Rich de Blaquiere, Chairman