

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

**Board of Pharmacy Offices
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 attendance were Vice Chairman, Holly Henggeler, PharmD; Board members Rich de Blaquiére, PharmD; and Kristina Jonas, PharmD. Also in attendance were Alex J. Adams, PharmD, MPH, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Jaime Thompson, and Wendy Shiell, Compliance Officers; Misty Lawrence, Management Assistant; Andy Snook, Deputy Attorney General; Ellen Mitchell, Program Information Coordinator, and several members of the public.

Dr. Henggeler motioned to approve the February 8, 2018 and March 7, 2018 minutes with minor corrections. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of the Consent Agenda, which contained the following matters:

- a. Board Performance Dashboard
- b. Travel Calendar
- c. Exercises of Delegated Authority
- d. Director's Expenses

Dr. Adams commended the Compliance Officers on having completed 125% of the pharmacy inspections while being short staffed. Mr. Fraser shared he has hired a compliance officer for southwest Idaho. Dr. Adams led a brief discussion of the Travel Calendar indicating Mr. Sperry will be attending the NABP meeting in Denver. Dr. Adams has also been invited to speak at the International Pharmaceutical Federation (FIP) Congress.

Mr. Fraser addressed the larger than normal list of Delegated Authority included in the Board packet. He explained much of it was due to professional licenses that weren't renewed causing cancellation of Controlled Substance Registrations, as well as the completion of the Continuing Education audits. Dr. Jonas motioned to accept the Consent Agenda with the changes to the Travel Calendar. Dr. de Blaquiére seconded, and the motion carried.

Dr. Adams framed a brief discussion surrounding the temporary rule updating the language for Rule 024.01 per a request from the Legislature during the rules review in January. A draft of the temporary rule had been posted for the public on the Board's website in advance of the meeting. Dr. Chopski called for public comment. No public comment was offered. Dr. de Blaquiére motioned to approve for adoption, with an effective date of July 1, 2018, the following revision of the Board's final rules that have been approved by the Legislature and will take effect on July 1, 2018 –

1. **Statins.** Statins, for patients ~~who have a current prescription for a drug for been~~ diagnosed with diabetes;

Dr. Chopski reiterated -

- The Governor previously determined this rule language is appropriate for a temporary rule under Idaho Code Section 67-5226(1).
- The Governor's determination is evidenced by his approval of the Administrative Rules Request Form (ARRF) that was submitted by Board staff to the Governor's Division of Financial Management.
- The Board's approval of this rule language, combined with the Governor's approval of the ARRF, creates a temporary rule appropriate for publication in the Administrative Bulletin.
- Based on the Administrative Bulletin publication schedule, this temporary rule should be published in the Administrative Bulletin on June 6, 2018.

- The Board again notes that this temporary rule shall not be effective until July 1, 2018.

Mr. Fraser presented an update on the Board's new licensing system, EGov. He indicated Board staff is continuing to make progress on the configuration. Several areas of configuration are over 80% complete, with a total configuration completion of 50%. User Training and Acceptance testing is set for May 7 -18. All staff will be trained to use the system during this time. The launch date remains on or before July 1, 2017. The new software integrates a licensing system, with online applications, and a compliance/enforcement process. Most licenses and registrations will go through one of three transitions as specified below:

Transition 1 – Facilities: Community, Limited Service, Institutional, and Mail Service Pharmacies, Prescriber & Veterinary Drug Outlets, Durable Medical Equipment, Manufactures, Wholesalers, Wholesalers of OTC/LMD, Outsourcing Facilities, Non-Resident Central Drug Outlets, and Narcotic Treatment Centers.

Facilities will renew at the full rate for a 6 months period and then at 50% for a full year. After transition period is complete all facilities will renew annually between October and December and have a 12/31 expiration date.

- Current Expiration: 6/30/2018
- 1st Renewal Period: April – June 2018 (FY18)
- Expiration after successful renewal: 12/31/2018
- 2nd Renewal Period: October – December 2018 (FY19)
- Expiration after successful renewal: 12/31/2019

Transition 2 – Individuals: Practitioners & Researchers of Controlled Substance Registration.

CSR registrants will have a prorated renewal rate based on the number of quarters until their birth month. Registrations will be effective from 3-6 quarters depending on the quarter where their birth month falls. After the transition the annual expiration will be the last day of their birth month, though renewals will be available up to 10 weeks prior to expiration.

- Current Expiration: 12/31/2018
- 1st Renewal Period: October - December 2018 (FY19)
- Expiration after successful renewal:

Current Expiration Date	New Issue Date	New Expiration Date	Quarters	% of Annual Fee
12/31/18	01/01/19	07/30/19	3	75%
12/31/18	01/01/19	08/31/19	3	75%
12/31/18	01/01/19	09/30/19	3	75%
12/31/18	01/01/19	10/31/19	4	100%
12/31/18	01/01/19	11/30/19	4	100%
12/31/18	01/01/19	12/31/19	4	100%
12/31/18	01/01/19	01/30/20	5	125%
12/31/18	01/01/19	02/28/20	5	125%
12/31/18	01/01/19	03/31/20	5	125%
12/31/18	01/01/19	04/30/20	6	150%
12/31/18	01/01/19	05/31/20	6	150%
12/31/18	01/01/19	06/30/20	6	150%

Transition 3 – Individuals: Pharmacist License, Pharmacist Registration, Technicians (Certified & Grandfathered); these are the last to transition to the birth month model. They renew this spring and next spring during the normal renewal period. The third renewal will be their birth month.

Registrants will have a prorated renewal rate based on the number of quarters until their birth month. Registrations will be effective from 3-6 quarters depending on the quarter where their birth month falls. After the transition the annual expiration will be the last day of their birth month, though renewals will be available up to 10 weeks prior to expiration.

- Current Expiration: 6/30/2018

- 1st Renewal Period: April – June 2018 (FY18) Normal
- Expiration after successful renewal: 06/30/2019
- 2nd Renewal Period: April – June 2019 (FY19) Prorated
- Expiration after successful renewal:

Current Expiration Date	New Issue Date	New Expiration Date	Quarters	% of Annual Fee
06/30/19	07/01/19	07/30/20	5	125%
06/30/19	07/01/19	08/31/20	5	125%
06/30/19	07/01/19	09/30/20	5	125%
06/30/19	07/01/19	10/31/20	6	150%
06/30/19	07/01/19	11/30/20	6	150%
06/30/19	07/01/19	12/31/20	6	150%
06/30/19	07/01/19	01/30/20	3	75%
06/30/19	07/01/19	02/28/20	3	75%
06/30/19	07/01/19	03/31/20	3	75%
06/30/19	07/01/19	04/30/20	4	100%
06/30/19	07/01/19	05/31/20	4	100%
06/30/19	07/01/19	06/30/20	4	100%

Several registrations do not require a transition period as they have been transitioned or there is no change.

- Technician-in-training
 - Expires 2 years from issue date, No renewal allowed
 - All current Registrants already transitioned
- Student Technician
 - New registration type - Expires Annually July 15
- Pharmacist Intern
 - Student - Expires Annually July 15 (No change)
- Graduate - Expires 1 year from Issue date, 1 renewal allowed

Dr. Jonas asked for clarification on the CPE cycle. Mr. Fraser explained this coming renewal will remain the same July 1, 2017 through June 30, 2018. The Board is transitioning to a calendar year CPE cycle, and CPE will no longer be tied to license renewal because every licensee will renew on different dates depending on their birth month. For the transition year, the Board will accept CPE completed from July 1, 2018 to December 31, 2019. Then, the Board will fully transition to a calendar year, accepting CPE completed between January 1, 2020 and December 31, 2020, and annually thereafter. Dr. Jonas appreciated the information she received with her renewal explaining the process. Mr. Fraser commended Ms. Lawrence for providing the information to all registrants.

Dr. Adams presented his work plan for fiscal year 2019. Engaging in two negotiated rulemaking sessions enabled the Board to work out most of the details of the new rules in 2017 and he wants to take that approach again this year. The Board added a conference call on August 30 from 8:00 a.m. – 10:00 a.m. to allow for an additional negotiated rule making session. Any proposed changes will be published in the October 3, 2018 Administrative Bulletin, with the Board accepting public comments through October 24, 2018. The Board will work to finalize language for approval on October 25th. Dr. Adams has already scheduled several listening sessions throughout the state to hear from pharmacists and other stakeholders. To that end Dr. Adams brought forth information that the Board worked through regarding several legislative and rule concepts for 2019, with some rules being triggered by statute changes in the most recent session. The Board took public comment on a proposed modification to the Pharmacist in Charge (PIC) requirements:

- Dennis McAllister, RPh, offered historical information on the creation the of PIC role. He indicated the growth of chain pharmacies in the 1960's created the role of PIC to put responsibility onto the local pharmacist versus the chain itself.
- Lorri Walmsly, Walgreens, indicated there are many states that are having discussions regarding PIC supervision and expressed support for Idaho's direction.

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

- Mike's Pharmacy – During an annual inspection of the pharmacy the Board's compliance officer noted several non-compliance issues including 92 outdated products on the compounding area shelves, along with 18 product without expiration or beyond use dates. Similar issues were noted during inspections conducted in 2016 and 2014. By signing the Stipulation and Consent Order, Mike's Pharmacy agreed to pay \$4,000 in administrative fines.
- Sebastian Gregorio, RPh – PIC Chateau Drug – During an annual inspection of the pharmacy the Board's compliance officer noted several non-compliance issues including compounding of Cyclosporine 1% eye drops, a sterile product, using Cyclosporine Oral Solution USP Modified 100 mg/ml, a non-sterile product. The product was also compounded in the hazardous drug compounding hood instead of the sterile hood. By signing the Stipulation and Consent Order, he agreed to pay \$2,000 in administrative fines.

Neither respondent attended the meeting. Dr. Henggeler motioned to accept the Stipulation and Consent Agendas as written. Following a brief discussion the motion carried unanimously.

Mr. Sperry arrived at 10:20.

The Board took up the matter of Melinda Duty, pharmacy technician in training applicant. Ms. Duty attended the meeting telephonically without legal counsel. Board staff was unable to approve her application as she did not meet the high school diploma or equivalency requirement. Following a brief discussion Dr. de Blaquiere motioned to allow applicants, including Ms. Duty, without a high school diploma or equivalency to move forward as long as there are no background issues. Dr. Jonas seconded, and the motion carried unanimously. Dr. Chopski wants to see these applicants have the support of the pharmacy that is hiring them.

The Board reviewed the draft protocols for pharmacist prescribing. Following a brief discussion, Dr. Jonas motioned to adopt the protocols with the minor changes discussed. Mr. Sperry seconded, and the motion passed unanimously. Dr. Chopski indicated her belief that the protocol for urinary tract infections (UTIs) added too many restrictions relative to other jurisdictions, and that the restrictions are disconnected from clinical guidelines and evidence-based research. She noted that may be the nature of a collaborative protocol development process and anticipates companies may deviate from restrictions that are not linked to guidelines.

Dr. Adams shared a letter from Dr. Chopski to preface the new law book to be published July 1st that describes the new approach to rulemaking. The Board accepted the letter with minor corrections.

Following the lunch break Mr. Fraser presented Jaime Thompson and Barbara Syriac with certificates commemorating each of their 5 years of service. The Board expressed their appreciation for each of them and their dedication to the Board's mission.

Dr. Adams introduced Sandra Evans, MAEd, RN, Executive Director of the Idaho Board of Nursing. Ms. Evans attended the meeting to sharing information regarding the Nurse Licensure Compact (NLC). NLC is a flexible licensure model allowing nurses to practice across state lines increasing patient access. The Board was appreciative of Ms. Evans' time and the information she shared.

Following a detailed discussion regarding the NLC Dr. Adams will pen idea forms to explore the creation of licensure by mutual recognition and Continuing Professional Development.

Ms. Lawrence presented the Board's financial report.

Fiscal Year Budget to Expenses

- Fiscal year 2018 budget status with 75% percent of the year elapsed and 58% of the budget expended.
 - Personnel Costs are 71.76% expended – Currently trending about \$7300 in one-time Salary savings.
 - Operating Expenses are 39.79% expended. Though this seems a bit low the large operating expenses are just coming due. April expenditures have included \$75,000 in operating, along with \$35,000 going to Capital Outlay to cover the

- additional cost of the licensing system being build and the annual building lease payment is \$98,300. These expenses bring the budget closer to 63% expended.
- Capital Outlay – is 59.49% expended – All Capital Outlay will be expended by year end or it will be encumbered for payment in FY19. Payment for the licensing system isn't due until delivery and completion, the funds will likely be encumbered for the final payment.
- Current Cash Balance as of March 31, 2018
 - The fiscal year started with a cash balance of \$2,610,200. Disbursements exceeded receipts by \$162,830 or 20.5% on the last report. Disbursements now exceed receipts by \$356,710 or 36%. This is an expected increase, with renewals starting this month, this gap will get smaller, although the expectation is for expenses to exceed revenue this year with the one-time spending for the licensing system.
 - 4 Year budget Trend Comparison FY15-FY18 – July - March
 - Overall expenditures are on target and in line with appropriation at 58% expended.
 - Revenues were trending down 3%, 24,700 on the last report. As of 3/31 revenues are trending down about 2% or \$20,900.
 - FY17 Monthly Cash Flow
 - Last quarter is as expected with expenditures exceeding revenue each month, this trend will reverse as renewals start.
 - Accumulative Monthly Cash Flow –In the red by \$356,700 this year. The gap is expected to get smaller as renewals are processed, though the expectation of ending the year in the red remains.
 - Personnel Update
 - Interviews for the customer service position have resulted in 2 qualified candidates, both are available to start right away. Decision is forthcoming.
 - FY19 Budget request – Update
 - Budget Request - \$2,007,700
 - Prescriber Reports maintenance - \$20,000
 - DHW contract - \$120,000
 - Governor's Recommendation - \$2,028,700
 - H710 was signed by the Governor on March 27, 2018.
 - Included with the approved budget was 3% CEC.
 - Currently have about \$26,000 in one-time salary savings.
 - CEC distribution plan was approved and employee increases were effective March 25, 2018, 6 pay periods early.

The Board thanked Ms. Lawrence for her comprehensive update.

Dr. Jonas will attend the Oregon Board of Pharmacy rule making session in May to observe a fellow state Board and bring back recommendations about how to improve our meetings and agendas.

Dr. Chopski called for public comment, hearing none, Dr. Jones motioned to adjourn, Dr. Henggeler seconded, and the motion carried unanimously. Meeting adjourned at 3:06 p.m.