MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

March 20, 2002
AmeriTel Inn-Boise Towne Square
Boise, Idaho

Chairperson Kitty Gurnsey called the meeting to order at 9:00 A.M. Also in attendance were Board members Merl Dalton R.Ph.; Marilyn Silcock Pharm D; Mike Merrill R.Ph. and Frank Casabonne R.Ph. Also present were Richard Markuson, Executive Director; Fred Collings, Senior Investigator; Jan Atkinson, Senior Compliance Officer; Kirsten Wallace, Deputy Attorney General and Kent Nelson, Deputy Attorney General.

Frank Casabonne motioned to accept the minutes from the December 6, 2001 Board meeting with a correction reflecting Board member Merl Dalton's absence from the meeting. Motion seconded by Mike Merrill. Motion unanimously carried.

Kitty Gurnsey suggested that copies of response letters from pharmacists or pharmacies requested by Board action, be presented at each upcoming meeting for the Board to review.

Gene Boyle presented information to the Board regarding his Citation #1277. Mike Merrill made the motion to review the letters he submitted and the citation during the executive session. Motion seconded by Dr. Silcock. Motion unanimously carried.

Richard Markuson introduced Joe Steiner the new Dean of the College of Pharmacy, ISU, to the Board members.

In review of Citation # 2564 issued to Homedale Drug, Merl Dalton motioned to have the Board send a letter stating that a Board inspector would be at Homedale Drug on April 30, 2002, to verify that the public restroom in the main store area was operational for employees and the public so they no longer were accessing the pharmacy restroom. If the restroom is not operational by that date, the pharmacy is to be closed. In addition a $500.00 fine and a letter of reprimand to the owners, Rodney and Edith Roe. Motion seconded by Dr. Silcock. Motion unanimously carried.

In the matter of William Sutcliffe, Dr. Silcock motioned to suspend his license indefinitely and direct him not to seek reinstatement for at least one year. A fine of $1,000.00 and any investigational costs are to be paid within two years of reinstatement of his license. Motion seconded by Merl Dalton. Motion unanimously carried.

The Board also discussed limiting a person's appearance before the Board when their license has been suspended. Guidelines on how soon and under what conditions they may request reinstatement were also discussed.

In the matter of Stephen Cassel DVM, a motion was made by Dr. Silcock to proceed with further action against Dr. Cassel and instruct Fred Collings to investigate the matter and prepare a case. Motion seconded by Mike Merrill. Motion unanimously carried.

The Board reviewed Lisa Nicholl's request for reciprocity. Based on her three years away from the practice of pharmacy, Frank Casabonne motioned to accept her request for reciprocity after she completes

120 hours of internship at a licensed preceptor site, and takes and passes the law exam. Seconded by Mike Merrill. Dr. Silcock abstained from voting. Motion carried.

Mike Merrill motioned to accept Michael Perkin's request for reciprocity after he completes 80 hours of internship at a licensed preceptor site, and takes and passes the law exam. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding David Weick's request for reinstatement, Frank Casabonne motioned to have him complete 200 internship hours at a licensed preceptor site, take and pass the law exam and also extend Mr. Weick's UA requirements for an additional three years past his current stipulation. Motion seconded by Mike Merrill. Merl Dalton and Dr. Silcock voted no. Chairperson Kitty Gurnsey voted yes, breaking the tie and the motion passed.

Regarding Citation #2563 issued to Duncan McIntyre, a motion was made by Dr. Silcock for a $100.00 fine and a letter of reprimand to be placed in his file. Frank Casabonne seconded the motion. Motion unanimously carried.

The Board members discussed development of a new Strategic Plan. Members requested that Mr. Markuson and Mr. Nelson draw up a rough draft to include administering the law test, model rules for nuclear pharmacy and cognitive pharmacies, which is to include the definition of pharmacy.

Ann Oglevie, Administrator of Weiser Memorial Hospital and Karen Nishi , Director of Regulatory Affairs for Pyxis, discussed the possibility of utilizing remote pharmacists to review physician orders at critical access hospitals as well as the release of drugs within a Pyxis system at these remote sites. The Board directed Mr. Markuson to send Ms. Oglevie a letter and request a written proposal addressing their intentions prior to making any final determination regarding this matter.

Kent Nelson presented a signed agreement by Med Now representatives as well as the revised compliance plan, including full acceptance of all Board assessed fines and fees. Mr. Nelson also clarified that the agreement and revised compliance plan addressed all Med Now facilities.

Kirsten Wallace, announcing her resignation as Deputy Attorney General, introduced her replacement, David Lloyd to the members of the Board. The Board thanked Ms. Wallace for her past service to the Board.

At the request of Board members, Gary Duerr, representing Idaho Medicaid, reviewed the proposed implementation of the "four prescription rule" mandated by the Governor's office.

The Board also discussed the licensing of all ISU pharmacy professors. The Board feels that Idaho professors are impacting the care of patients and need to be licensed.

JoAn Condie and Stan Gibson, representing ISPA, proposed that the pharmacist to technician ratio be increased to three technicians for every one pharmacist (3:1). JoAn Condie stated that due to the patient safety issue the technician schools would not abdicate for the higher ratio. The Board tabled the discussion until later in the meeting.

A motion was made by Dr. Silcock proposing a rule change to allow the splitting of CE hours in June if those hours exceed the requirements for the current year. Merl Dalton seconded the motion. Motion unanimously passed. The Board directed Mr. Markuson to draft a proposed rule change that would allow credits earned in June to be carried over to the next reporting year.

After further discussion by members of the Board, Chairperson Kitty Gurnsey requested that the minutes reflect that all practicing pharmacists on the Board were against increasing the technician ration to 3:1.

Ron Hodge, representing the IMA, discussed the negotiated rulemaking process for the disciplinary action to be taken against noncompliant practitioners. Senate Bill 1417, that amended earlier legislation on prescription blank requirements introduced and passed by the IMA, requires the Board of Pharmacy to draft rules through the negotiated rulemaking process, on disciplinary action required by the new legislation. A motion was made by Frank Casabonne to send the proposed rules to the other appropriate Boards and begin the rulemaking process. Dr. Silcock seconded the motion. Motion unanimously passed.

At 3:25 P.M. Mike Merrill moved to go into Executive Session for matters concerning exempt public records. The Chairperson identified Idaho Code Section 67-2345(d) to authorize the session. Motion seconded by Dr. Silcock. Motion unanimously carried. At 3:50 P.M. Mike Merrill moved to come out of Executive Session. Motion was seconded by Dr. Silcock. Motion unanimously carried.

Regarding Citation #1277 issued to Gene Boyle, Frank Casabonne made a motion for a $100.00 fine and a letter of reprimand placed in his file. Mr. Boyle was also directed to review the pharmacy rules, pass the law exam prior to July 1, 2002 and submit a letter to the Board explaining how he plans to restructure his practice to ensure that all medications are dispensed pursuant to a practitioner's order. Motion seconded by Dr. Silcock. Motion unanimously carried.

In the matter of Selma Gearhardt, Frank Casabonne made a motion to accept the stipulation for suspension of her license for one year plus an additional four years of probation upon the reinstatement of her license. The stipulation is also to include the recovery of all costs and $1,000.00 fine, payable within two years of reinstatement of license. Motion seconded by Dr. Silcock. Motion unanimously carried.

Regarding Citation #2565 issued to Jerry Rasmuson, Merl Dalton made a motion for a $200.00 fine and a letter of reprimand because he was the pharmacist-in-charge at the time the citation was issued to Homedale Drug. Seconded by Frank Casabonne. Motion unanimously carried.

The next Board meeting was scheduled for June 19, 2002 at the AmeriTel Inn, Boise.

Mr. Markuson and Mr. Dalton will attend the NABP Annual Convention in Phoenix, Arizona on May 18-22, 2002.

The Tri-State Pharmacy Association meeting will be held in Coeur D'Alene on June 13-16, 2002. Mr. Markuson and Mr. Dalton are scheduled to attend.

Idaho will host the NABP District VII-VIII Meeting on October 13-16, 2002 in Coeur D 'Alene, Id.

Meeting adjourned.

Jan Atkinson respectfully submits the Minutes of the Idaho Board of Pharmacy

Chairperson	Vice-Chairman
Member	Member
Member	Executive Director