MINUTES OF THE
IDAHO STATE BOARD OF THE PHARMACY

November 22, 2002
AmeriTel Inn – Boise Towne Square
Boise, Idaho

Chairman Mike Merrill R.Ph. called the meeting to order at 8:30 A.M. In attendance were Board members Kitty Gurnsey; Marilyn Silcock Pharm D; Frank Casabonne R.Ph. and Dwayne Sheffler, R.Ph. Also in attendance were Richard Markuson, Executive Director; Fred Collings, Senior Investigator; Jan Atkinson, Senior Compliance Officer; Lisa Culley, Compliance Officer and Kent Nelson, Deputy Attorney General.

At 8:33 A.M. Frank Casabonne made a motion to go into Executive Session for matters concerning exempt public records. The Chairman identified Idaho Code Section 67-2345(d) to authorize the session. Dr. Silcock seconded the motion. Motion carried. At 8:48 A.M. Kitty Gurnsey moved to come out of the Executive Session. Dr. Silcock seconded the motion. Motion carried.

Dr. Silcock made a motion to approve the minutes from the August 21, 2002 Board meeting. Frank Casabonne seconded the motion. Motion carried.

In response to testimony from Superior Care representatives, Dr. Silcock made a motion to dismiss citation #1354 issued to Grace Lawrence. Frank Casabonne seconded the motion. Motion carried. Citation dismissed.

Regarding citation #1355 issued to James Wood: Frank Casabonne made a motion to fine Mr. Wood $200. 00 for rule violations and an additional $300.00 for half of the Board costs incurred in the investigation. Motion seconded by Dr. Silcock. Motion carried.

Regarding citation #1356 issued to Superior Care Pharmacy of Boise: Dr. Silcock made a motion to fine Superior Care Pharmacy $200.00 for the rule violation and an additional $300.00 for half of the Board costs incurred in the investigation. Motion seconded by Frank Casabonne. Motion carried.

Frank Casabonne made a motion to fine Martin Kazmaier $100.00 for citation #1353 and an additional $50.00 in Board investigative costs. Dr Silcock seconded the motion. Motion carried. The Board also approved Mr. Kazmaier's recommendations for implementation of a plan for the identification of all customers receiving a controlled substances at all area Wal-Mart pharmacies.

Dr. Silcock made a motion to fine Robin Kinsey $100.00 for citation #1220 and an additional $75.00 in Board investigative costs. Frank Casabonne seconded the motion. Motion carried.

Frank Casabonne made a motion to fine Thomas Bobrowski $100.00 for citation #1222 and an additional $75.00 in Board investigative costs. Dr. Silcock seconded the motion. Motion carried.

Regarding citation #1221 issued to St. Benedicts Family Medical Center: Kitty Gurnsey made a motion to fine St. Benedicts $100.00 and an additional $150.00 in Board investigative costs. Frank Casabonne seconded the motion. The Board also directed the PIC or hospital administrator to forward a copy of the hospital's new policy for the proper transfer of Schedule II controlled substances to other DEA registrants.

During rule review the Board members asked Mr. Markuson and Mr. Nelson to draft a new rule changing the reference library requirements of Rule 152 to specify specific criteria that would allow pharmacies to select from alternative reference materials as long as they meet the specified criteria.

To benefit both her and a very small patient population that uses GHB as a treatment for cataplexy and narcolepsy, Debi Bennett asked the Board to support legislation to move Xyrem, the medical form of GHB, to Schedule III in Idaho in order to legally purchase it from an out-of-state mail service pharmacy. Dr. Silcock made a motion that the Board draft a temporary rule to add Xyrem to Schedule III in order to comply with the federal change in scheduling. Frank Casabonne seconded the motion. Motion carried.

Board investigator Fred Collings discussed the need for specific rules to govern Internet Pharmacy operations within Idaho. Board staff has discovered several pharmacies involved in supplying medications to patients without the normal doctor-patient-pharmacist relationship. Several other states are also addressing the validity of prescriptions filled and obtained without a patient-practitioner relationship.

Carl Knight appeared before the Board to request reinstatement of his Idaho license. After discussion, the Board members determined they were not willing to reinstate his license at this time.

After Board review of corrections to the June 19, 2002 Board minutes, Kitty Gurnsey made a motion to approve the minutes. Dr. Silcock seconded the motion. Motion carried.

Regarding citation # 2127 issued to Floto Pharmacy: Frank Casabonne made a motion to fine Floto Pharmacy $500.00 for violations of the Controlled Substance Act and an additional $400.00 for Board investigative costs. Dr. Silcock seconded the motion. Motion carried. Regarding citation #2128 issued to Floto Pharmacy: Frank Casabonne made a motion to fine Floto Pharmacy $500.00 for the rule violation and also directed Board staff to run a report on December 31, 2002 to verify that all DEA numbers have been corrected by pharmacy personnel or additional Board action would follow. Dr. Silcock seconded the motion. Motion carried.

During additional rule review Mr. Markuson discussed rules going before the legislature. The change to Rule 458 will allow thirty-days to fill a Schedule II prescription instead of the former seven-day requirement. The proposed rule for ephedrine sets up specific criteria for ephedrine products to be sold without a prescription. The rule addressing pharmacy technicians clarifies that students enrolled in pharmacy technician training courses and volunteers at hospital pharmacies may register as pharmacy technicians. Rule 134.05 allows carryover of continuing education credits earned during June of any given licensing period to be carried over to the next

licensing period. Temporary rule revisions adopt and outline the requirements for controlled substance prescription blank forms as well as discipline to be assessed by the Board of Pharmacy in the event practitioners fail to follow the requirements will also be addressed.

Buprenorphine was recently approved for use in clinic based addiction treatment by qualified physicians. Dr. Silcock made a motion to reschedule Buprenorphine from Schedule V to Schedule III, to mirror what the feds have already done. Frank Casabonne seconded the motion. Motion carried.

In discussing NABP issues such as the accreditation status of the Doctor of Pharmacy program of the Lebanese American University School of Pharmacy and recognition of Canadian programs accredited by the CCAPP, Dr. Silcock made a motion for Mr. Markuson to send a letter to NABP for an assurance that there is a contingency plan in place in case of a breach of the NAPLEX. Frank Casabonne seconded the motion. Motion carried.

In reviewing the issue of Canadian Pharmacies, the Board discussed the problem with jurisdiction. Kent Nelson advised the Board that they could pursue action with the representative of Canadian Meds USA that was actually soliciting customers in Idaho. The Board directed Mr. Markuson and Mr. Nelson to pursue this particular local connection for soliciting Idaho clients to purchase Canadian meds.

Mr. Markuson reviewed the Board's current budget status as well as the budget for the upcoming fiscal year.

The next Board of Pharmacy meeting was scheduled for January 7-8, 2002.

Minutes of this meeting respectfully submitted by Jan Atkinson.

Chairman	Vice-Chairman
Member	Member
Member	Executive Director