MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

August 21, 2002
AmeriTel Inn- Boise Towne Square
Boise, Idaho

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

Kitty Gurnsey requested tabling approval of the minutes from the June 19, 2002 meeting until a printing correction regarding Sheila Orton could be made and additional information added to better reflect the record concerning the scheduled meeting of July 9, 2002 between the medical boards and associations. Frank Casabonne R.Ph., representing the Board of Pharmacy and A.C. Jones M.D., representing the Board of Medicine, agreed to co-chair the meeting with other interested boards and associations in an attempt to finalize proposed disciplinary action against non-compliant practitioners as required by SB1417. Members unanimously agreed to approve the minutes at the next Board meeting with the requested corrections.

Rule changes for the upcoming legislative session: Rule 458- Motion by Dr. Silcock to accept extending the time period for Schedule II's from 7 to 30 days. Seconded by Frank Casabonne. Motion unanimously carried. Rule 134.05-Motion by Dr. Silcock to carry over unused CE credits to the following year. Seconded by Kitty Gunsey. Motion unanimously carried. Rule 251-Motion by Frank Casabonne to change the definition of pharmacy technician to one who is employed or otherwise authorized to participate in preparing medications. Seconded by Kitty Gurnsey. Motion unanimously carried. Rule 158-Motion by Dr. Silcock to set specific criteria for ephedrine products that can be sold without prescription. Seconded by Frank Casabonne. Motion unanimously carried.

Regarding the proposed rulemaking for the practice of Nuclear Pharmacy: Due to the extensive impact to numerous licensed medical professionals as well as hospitals and radiology centers who engage in areas of medicine that utilize nuclear pharmaceuticals, the Board will continue to receive input from other impacted parties and prepare a draft for legislation next year.

Rule 470- Merl Dalton motioned to adopt Rule 470 as a temporary rule to take effect August 21, 2002. Outlines the discipline to be assessed by the Board of Pharmacy in the event practitioners fail to follow the requirements of statute and rule with respect to controlled substance prescriptions. Seconded by Frank Casabonne. Motion unanimously carried. Chairman Mike Merrill directed Board staff to notify all licensing Boards and medical associations and to post it on the Board of Pharmacy's web site as well.

Board members also discussed their intent to file legislation in response to FDA's approval of Xyrem (GHB), for use in the treatment of narcolepsy.

The District VII & VIII Meeting will be hosted by the Idaho Board of Pharmacy in Coeur d' Alene, Idaho on October 10-13th. The next Board meeting is scheduled for November 22, 2002 in Boise at the AmeriTel Inn.

Mr. Markuson reviewed personnel costs, operating expenses and capital outlay expenditures with members of the Board.

Sheila Orton appeared before the Board to request reinstatement of her pharmacist license. Frank Casabonne motioned to reinstate her license with a change in the stipulation to reflect monthly random UA's for two years, to be followed by two years of quarterly random UA's and extending the probationary period to four years starting as of August 24, 2002. In addition Ms. Orton must be in compliance with all CE requirements prior to reinstatement of her license. Failure to comply with all requirements of the stipulation will result in the permanent removal of her license. Seconded by Kitty Gurnsey. Merl Dalton voted no.
Motion carried.

Regarding citation #1218 issued to Doug Kidder: Dr. Silcock motioned to fine Mr. Kidder $500.00 for supplying inaccurate information on his initial application for licensure. Fine to be payable within 30 days and a strong letter of reprimand from Mr. Markuson. Seconded by Merl Dalton. Motion unanimously carried.

In the matter of Kerry M. Steele, PA, Merl Dalton made a motion to revoke his controlled substance registration. Dr. Silcock seconded the motion. Motion unanimously carried.

Attorney Kent Nelson advised Board members to look into costs associated with rule recodification. Years ago, when the Board of Pharmacy regulations were changed over to a rule format and the rules were renumbered, the process caused several rule references to be relocated to other sections which inadvertently confused the intent or meaning of the original rule. Frank Casabonne made a motion for Mr. Markuson and Mr. Nelson to pursue the recodification and determine the costs associated with doing so. Motion seconded by Dr. Silcock. Motion unanimously carried.

Meeting adjourned.

Minutes of this meeting respectfully submitted by Jan Atkinson.

_____	_____
Chairperson	Vice-Chairperson
_____	_____
Member	Member
_____	_____
Member	Executive Director