MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

June 19, 2002
AmeriTel Inn- Boise Towne Square
Boise, Idaho

Chairperson Kitty Gurnsey called the meeting to order at 9:00 A.M. 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 and Kent Nelson, Deputy Attorney General.

Mike Merrill motioned to approve the minutes from the March 20, 2002 Board meeting. Motion seconded by Frank Casabonne. Motion unanimously carried.

The Board directed Mr. Markuson to draft a new subsection to Rule 134.05 that allows a pharmacist to carryover CE earned in June to the following year. Motion by Merl Dalton to accept the rule as drafted. Second by Dr. Silcock. Motion carried.

Stan Wolf, Compliance Officer for North Idaho, notified the Board of his retirement on June 14, 2002. We will miss Stan's dedication and commitment to the practice of pharmacy.

Jan Atkinson, Senior Compliance Officer, reviewed several past directives by the Board. The update included Homedale Drug's compliance with a Board order to correct a pharmacy deficiency and the status on the complaint filed by Owena Vieselmeyer. Also discussed were Mr. Markuson's letter to Ann Olgelvie requesting additional information for her off-site pharmacy proposal and Gene Boyle's successful completion of the law exam was also discussed.

The Board members directed Board staff to review stipulations prior to adding people to the agenda, to determine that the pharmacist or practitioner has completed all the requirements of that stipulation.

Fred Collings, Senior Investigator, reviewed the status of current stipulations by the Board. Tad Hancock DDS, surrendered his controlled substance license. Mike Roberts R.Ph. had knee surgery and is now working at Parkcenter K-Mart, not as the PIC. Three other people currently under a stipulation with the Board are on this agenda and now requesting reinstatement.

Mr. Markuson updated the Board on the District VII & VIII meeting to be held in Coeur d 'Alene on October 10-13, 2002. JoAn Condie, ISPA, reviewed the Tri-State meeting that was held in June and advised the Board that is scheduled to be held in Boise in 2004.

During the budget review the Board discussed the A.G. contract and personnel, with DFM directives for no raises or bonuses to staff.

Shiela Orton appeared before the Board requesting reinstatement of her pharmacist license. Ms.Orton was unable to produce paperwork to substantiate her compliance with Board orders and Mr. Merrill motioned to table further discussion until later that day. Motion seconded by Frank Casabonne. Motion carried. The Board informed Ms. Orton that she would be notified following their decision.

Victor Allen R.Ph. appeared before the Board to contest the citation he received following a complaint filed by Owena Vieselmeyer. Mrs. Vieselmeyer also appeared to ask why Mr. Allen still refused to take responsibility for his actions. Frank Casabonne motioned that the action that the Board had taken should stand. Merl Dalton seconded the motion. Motion unanimously carried. The Board also directed office staff to send Mrs. Vieselmeyer a copy of Mr. Allen's explanation of this situation and how the complaint should have been handled, as was originally requested at the Board meeting held on December 6, 2001.

David Lloyd, Deputy Attorney General presented information on Stephen Cassel DVM. Dr. Silcock made a motion to accept the consent order consistent with the Board of Veterinary Medicine's and emphasizing improved record keeping as outlined in the stipulation. Motion seconded by Mike Merrill. Motion unanimously carried.

In reviewing the proposal from the Citizen Advocacy Center the Board felt that it did not benefit pharmacists in general in Idaho. Dr. Silcock made a motion to decline their invitation. The motion was seconded by Mike Merrill. Motion unanimously carried.

Deputy Attorney General Kent Nelson recommended that the Board adopt a temporary rule on ephedrine similar to Nebraska's rule that clarifies what products can be sold in Idaho and also resolves enforcement issues for the Board. The Board agreed to drop the Med Watch Number requirement for the proposed temporary rule.

Roger Wood appeared before the Board requesting reinstatement of his pharmacist license. Mike Merrill motioned for reinstatement and emphasized to Mr. Wood that UA's must be submitted every quarter. Mr. Merrill stated that if the investigator notifies the Board that UA's have not been done within the set time frame Mr. Wood would lose his license. Frank Casabonne seconded the motion. Motion carried.

Brenda Bray, representing the Pharmacy Technology Institute, asked for a Board interpretation of Rule 251 which would allow a pharmacy technician student enrolled in a program to register with the Board of Pharmacy and complete their required externship program with the schools. Lita Burns and Kathy Biancavilla also spoke in support of the interpretation that would allow for non-compensated employment of these students. A motion was made by Frank Casabonne to accept the proposed interpretation for students currently enrolled in a program or volunteers to register and work as technicians. Merl Dalton seconded the motion. Mike Merrill voted against the motion. Motion carried. The Board directed Mr. Nelson and Mr. Markuson to review Rule 251 for possible changes.

During the negotiated rulemaking discussions for SB1417, Nancy Kerr, Executive Director of the Board of Medicine and A.C. Jones M.D., addressed the implementation requirements for proposed disciplinary action against practitioners who do not comply with the legislative requirements of SB1417. They also proposed an educational, pro-active approach and suggested that practitioners with more than two violations be referred to their respective Boards for disciplinary action. Ken Dirk R.Ph., stated that the patient was the most important issue and recommended that all prescribers should be disciplined the same. Mr. Dirk stated that disciplining the practitioners should be up to the separate Boards but only if it could be accomplished in a more immediate time frame than the Board of Medicine and the IMA propose. A motion was made by Frank Casabonne to schedule a meeting between the Board of Medicine and any other interested medical boards and the Board of Pharmacy, without legal representation, in an attempt to finalize the proposed disciplinary action against non-compliant practitioners as required by SB1417. The Board members appointed Frank Casabonne to represent the Board of Pharmacy and A.C. Jones M.D., representing the Board of Medicine, as co-chairs for the meeting. Motion seconded by Kitty Gurnsey. The meeting was scheduled for July 9, 2002 at 1 P.M. at the Board of Medicine's office in Boise. Nancy Kerr volunteered to send a letter to all medical boards and associations, notifying them of the meeting.

Dr. Robert Goettsch appeared before the Board to request a compromise on the Board requirements for reinstatement. There was not a motion by the Board to change the existing requirements therefore the previous action stands. The Board directed the office to send Mr.Goetsch a letter and any necessary forms outlining the process for his reinstatement.

Mark Sulik appeared before the Board to request reinstatement of his license. A motion was made by Frank Casabonne to reinstate Mr. Sulik's license. Dr. Silcock seconded the motion and also stated that if UA's are not received within the appropriate time frame his license will be revoked. Merl Dalton voted not to reinstate his license at this time. The motion carried.

During legislation and rule review the Board directed Mr. Nelson and Mr. Markuson to prepare legislation to schedule Soma, draft a permanent rule for ephedrine, review possible changes to rule 251 on technicians and draft model rules for nuclear pharmacy.

Robin Dodson Ph.D. discussed with the Board the commitment by ISU to develop a partnership with the Board of Pharmacy in assisting pharmacists in the State of Idaho in meeting their continuing education needs as well as advanced degree opportunities (e.g., certificate programs).

At 4:20 P.M. Dr. Silcock 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. Mike Merrill seconded the motion. Motion unanimously carried. At 4:38 P.M. Dr. Silcock moved to come out of Executive Session. Mike Merrill seconded the motion. Motion unanimously carried.

Board members agreed that the date of the next Board of Pharmacy meeting would be determined at a later date.

During the election of officers Dr. Silcock made a motion to nominate Mike Merrill as the new Chairman. Motion seconded by Frank Casabonne. Motion unanimously carried. Frank Casabonne made a motion to nominate Dr. Silcock as the new Vice-Chairman. Motion unanimously carried. The Board members also extended a big thank you to Merl Dalton for his many years of service on the Board.

Merl Dalton made a motion to accept the Attorney General's contract for legal services. 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