MINUTES OF THE
IDAHO BOARD OF PHARMACY

MARCH 7, 2003

AMERITEL INN
BOISE IDAHO

Chairman Mike Merrill called the meeting to order at 9:00 A.M. In attendance were Board members Frank Casabonne, RPh; Dwayne Sheffler, RPh; Kitty Gurnsey and Marilyn Silcock, Pharm D. 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 asked for a correction to the January 7, 2003 minutes to reflect her recommendation that Gary Wilburn of Lemp's Apothecary contact Kent Nelson and Board Chairman Mike Merrill in order to pursue any proposed rule changes or Board guidelines for compounding pharmacies. Frank Casabonne made a motion to accept the minutes with the stipulated change. Kitty Gurnsey seconded the motion. Motion unanimously passed.

Selma Gearhardt appeared before the Board to request reinstatement of her license to practice pharmacy. Dr. Silcock advised Ms. Gearhardt to obtain the required competency report from her counselor and any other necessary documentation required by her stipulation and present them at the next scheduled meeting of the Board.

At 9:32 a.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. Motion seconded by Frank Casabonne. Motion unanimously carried. At 9:57 a.m. Kitty Gurnsey moved to come out of Executive Session. Seconded by Dr. Silcock. Motion unanimously carried.

Regarding citation #2136 issued to Barry Feely: Dr. Silcock made a motion to fine Mr. Feely $100.00 and an additional $504.00 in Board investigative costs. Frank Casabonne seconded the motion. Dwayne Sheffler abstained. Motion carried. Board members also directed staff to issue a separate citation to the pharmacy for a violation of Board Rule 105.02 regarding the preceptor training site registration.

Regarding citation #2133 and citation #3174 issued to Hilary Howard: Ms. Howard's license was revoked and suspended by staff and the two citations were dropped. Motion by Kitty Gurnsey to ratify the staff's action on revocation and commended Board staff on their handling of the matter. Dr. Silcock seconded the motion. Dwayne Sheffler abstained. Motion carried.

Regarding citation #3714 issued to Mauria Prince. Dr. Silcock made a motion to drop the citation. Motion seconded by Frank Casabonne. Dwayne Sheffler abstained. Motion carried. Kitty Gurnsey made an additional motion to send a letter of reprimand to Ms.

Prince, signed by the Chairman and addressing concerns regarding her procedures. Motion seconded by Frank Casabonne. Dr. Silcock voted no. Dwayne Sheffler abstained. Motion carried. Board members also directed staff to review additional citations to the pharmacy and pharmacist for a violation of Board Rule 105.02.

Regarding citation #1278 issued to Larry Durrant: Kitty Gurnsey made a motion to fine Mr. Durrant $500.00 and an additional $521.75 in Board investigative costs. Motion seconded by Dr. Silcock.Motion unanimously carried.

Regarding citation # 1224 issued to William Madsen: Dr. Silcock made a motion to fine Mr. Madsen $250.00 and an additional $50.00 in Board investigative costs. Motion seconded by Frank Casabonne. Motion unanimously carried.

Motion by Dr. Silcock to indefinitely suspend the license of Gary Mulalley. Motion seconded by Frank Casabonne. Motion unanimously carried.

Mr. Collings introduced Cheri Bush to the Board as the new prosecuting attorney for the Board of Pharmacy.

Motion by Frank Casabonne to indefinitely suspend the registration of John Karl Hinz D.D.S. Motion seconded by Dr. Silcock. Motion unanimously carried.

During the upcoming recodification of rules the Board members also discussed the possibility of adding the requirement that practitioners cannot prescribe controlled substances to family members, to reflect the Board of Medicine's current rule.

Motion by Dr. Silcock to indefinitely suspend the license of Gerald L. Young M.D. Motion seconded by Kitty Gurnsey. Motion unanimously carried.

Dr. Silcock made a motion to have Mr. Markuson sign a consent order on William McCreight M.D. so long as the order does not exceed the stipulation issued by the Board of Medicine. Motion seconded by Frank Casabonne. Motion unanimously carried.

Frank Casabonne made a motion to require Kent E. Smith M.D. to obtain 920 internship hours, pay all back fees and pass the law exam prior to granting him a license to practice pharmacy. Motion seconded by Dr. Silcock. Motion unanimously carried.

Regarding electronic transactions, other than controlled substances, Mr. Nelson advised the Board to reference Idaho Code Section 64-2402, Chapter 24 . It is up to the pharmacists to address issues pertaining to adequate security and establish certain reliability protocols between the pharmacists and practitioners. This should encompass all safety and privacy issues as well.

The Board requested that Mr. Markuson respond to Preston Drug's letter addressing the technician certification issue by advising them that there has been no change in the Board's position regarding certification of technicians.

The Board's response to the Canadian Pharmacist licensure issue was to leave the policy as is, with no changes.

The Board's consensus on requiring the drug tracking reporting to be done on a weekly basis, if necessary, was to do so.

The Board reviewed the letter from Fritz Dixon to Rep. Sorenson requesting the addition of pricing information to pharmacy receipts. Fred Meyer indicated that their pharmacies do that now and Albertsons stated that their pharmacies are able to report that information upon request. No action was taken.

Future Meetings: The next Board meeting was scheduled for April 16, 2003 in Boise. Marilyn Silcock, Dwayne Sheffler, Jan Atkinson, Mick Markuson and Kitty Gurnsey will attend the NABP Annual Meeting held in Philadelphia this May.

Meeting Adjourned.

Minutes of this meeting respectfully submitted by Jan Atkinson.