This meeting of the Board was held to conduct regular board business.

Chairman Holly Henggeler, PharmD, called the meeting to order at 9:00 a.m. In addition to Dr. Henggeler, those in attendance included Nicole Chopski, Executive Director; Rich de Blaquiere, PharmD; Kristina Jonas, PharmD; Scott Killian, PharmD; Ed Sperry; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator and several members of the public.

Chairman Henggeler welcomed Nicki Chopski, PharmD to her new position as the Board’s new Executive Director and introduced Scott Killian, PharmD as the Board’s newest member. Dr. Killian is from Pocatello and works at Portneuf Medical Center. He brings a hospital perspective to the Board.

Dr. Jonas motioned to add Interlake Pharmacy and Safeway Pharmacy #350 to the Consent Agenda: Stipulation and Consent Order item. Mr. Sperry seconded, and the motion carried unanimously.

Dr. de Blaquiere motioned to approve the minutes from the March 12, March 13, and March 18, 2019 conference calls. Dr. Jonas seconded, and the motion carried unanimously.

Dr. Jonas motioned to remove the Travel Calendar and Delegated Authority from the Consent Agenda for discussion. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. Jonas motioned to approve the Performance Dashboard and Director Expenses from the Consent Agenda. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. de Blaquiere motioned to name Dr. Henggeler as Idaho’s delegate at the NABP Annual meeting in Minneapolis May 14-19, 2019, with Dr. Jonas as the alternate. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Jonas will be presenting at the Northwest Convention due to conflicts in Dr. Chopski’s schedule.

Dr. Henggeler asked for clarification on the completion of inspections. Mr. Fraser indicated inspections remain on an 18-month cycle and the inspectors are ahead of schedule. Dr. Henggeler commended the inspectors for their hard work and expressed appreciation for the job they do.

Dr. Jonas motioned to approve the Travel Calendar and Delegated Authority. Dr. de Blaquiere seconded, and the motion carried unanimously.

The Board took up the Stipulation and Consent Agenda: Stipulation and Consent Orders. Dr. Jonas motioned to take each of the stipulations individually. Dr. de Blaquiere seconded, and the motion carried unanimously. Steve Olsen, DAG was in attendance to answer questions from the Board. Included in the agenda item were:

a. Ladd’s Family Pharmacy
b. Timothy R Eaton, PharmD

c. Scott Coleman, PA

d. Burley Family Pharmacy

e. Rachel Peay, NP

f. Appleton Clinic

During extended discussion regarding Ladd’s Family Pharmacy and their remote dispensing site in Mountain Home, Dr. de Blaquiere and Dr. Jonas expressed significant concern regarding Ladd’s lack of oversight of the remote dispensing site. Dr. Jonas motioned to reject the stipulation and send the case to a hearing officer. Mr. Sperry seconded. Following additional discussion, Dr. Jonas withdrew her motion. Dr. Jonas motioned to reject the stipulation and add a requirement for unannounced quarterly inspections of both sites for one-year. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of Timothy Eaton. Following discussion Dr. de Blaquiere motioned to accept the stipulation as written. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of Scott Coleman. Following discussion Dr. de Blaquiere motioned to accept the stipulation as written. Dr. Jonas seconded, and the motion carried unanimously.

The Board took up the matter of Burley Family Pharmacy. Following discussion Dr. Jonas motioned to accept the stipulation as written. Dr. de Blaquiere seconded, and the motion carried unanimously.

The Board took up the matter of Rachel Peay, NP. Following discussion Dr. Jonas motioned to accept the stipulation as written. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. Chopski introduced the presentation from CVS regarding Patient Safety Organizations. Mark Johnston, CVS Senior Director of Regulatory Compliance introduced Susan Cornacchio, JD, RN, Senior Director, Enterprise Patient Safety and Sarah Marchand, PharmD, Director, Enterprise Patient Safety who attended the meeting telephonically. Their goal was to share the value, principles, and history of PSOs. During their presentation they indicated there are a multitude of PSOs and training conferences available. The Board will discuss PSOs more in depth tomorrow.

The Board took up the proposed Default Order regarding Caleb Senecker, Pharmacy Technician in Training. Dr. Jonas motioned to find Mr. Senecker in default. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the matter of Appleton Clinic. Mr. Fraser shared with the Board that the principals of Appleton Clinic took this matter very seriously and have addressed the issues at hand. Following a brief discussion, Dr. Jonas motioned to accept the stipulation as written. Mr. Sperry seconded, and the motion carried unanimously.

The Board took up the Administrative Hearing regarding Cindy Chambers, PharmD. Chairman Henggeler recused herself due to a potential professional conflict of interest. The hearing was chaired by Board Member Kristina Jonas, PharmD. Steven Olsen, DAG, represented the Board. Dr. Chambers participated in the hearing in person and was represented by attorney Bernadette Buentgen. After careful review of the testimony, exhibits and arguments presented, Dr. de Blaquiere motioned to dismiss the case. Mr. Sperry seconded. Following a brief discussion, the motion carried.

The Board took up the Administrative Hearing regarding Star Pharmacy. Todd Wise, Pharmacy Coordinator for Ridley’s Family Markets, owner of Star Pharmacy participated in the hearing in person without legal counsel. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Mr. Sperry motioned to maintain the $2,000 fine proposed in the Stipulation
and waive the attorney fees, Dr. Jonas seconded. The motion carried with Drs. de Blaquiere and Killian opposed.

The Board took up the Administrative Hearing regarding Allen Drug. Richard and Diane Allen, owners of Allen Drug participated in the hearing in person and was represented by attorney Laura Perkovic who attended the hearing telephonically. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Dr. Jonas motioned to maintain the $2,000 fine proposed in the Stipulation and waive the attorney fees, Mr. Sperry seconded. The motion carried with Dr. Killian opposed, and Dr. de Blaquiere abstaining.

The Board took up the Administrative Hearing regarding Steve Wilstead, CRNA. Mr. Wilstead and his wife, Denean Wilstead, participated in the hearing in person without legal counsel. Steven Olsen, DAG, represented the Board. After careful review of the testimony, exhibits and arguments presented, Dr. Killian motioned to fine Mr. Wilstead $250 for falsifying his application for a Controlled Substance Registration. Dr. de Blaquiere seconded. The motion carried unanimously.

The Board took up the matter of Scott Portman, RPh. Mr. Portman attended the meeting telephonically, without legal counsel, to request the Board grant his Idaho Pharmacist License. Following a brief discussion, Mr. Sperry motioned to approve Mr. Portman’s application with the condition that he continue in the Florida PRN until the current contract expires and he will notify the Board if he exits the Florida PRN program prior to the contract expiration. Dr. Jonas seconded, and the motion carried unanimously.

Dr. Jonas motioned to table Carmen Catizone’s presentation until tomorrow morning. Mr. Sperry seconded, and the motion carried unanimously.

Dr. Jonas motioned to table the proposed stipulations regarding Interlake and Safeway Pharmacies until tomorrow morning. Dr. Killian seconded, and the motion carried unanimously.

Dr. Jonas motioned to adjourn the meeting. Dr. de Blaquiere seconded, and the motion carried unanimously. Meeting adjourned at 5:55 p.m.

Day 2 – April 12th

This meeting of the Board was held to conduct regular board business.

Chairman Holly Henggeler, PharmD, called the meeting to order at 8:00 a.m. In addition to Dr. Henggeler, those in attendance included Nicki Chopski, Executive Director; Rich de Blaquiere, PharmD; Kristina Jonas, PharmD; Scott Killian, PharmD; Berk Fraser, RPh, Deputy Executive Director; Fred Collings, Chief Investigator; Andy Snook, DAG; Jaime Thompson, Wendy Shiell, and Amy Hickerson, CPhT, Compliance Officers; Misty Lawrence, Management Assistant; Ellen Mitchell, Program Information Coordinator and several members of the public. Mr. Sperry arrived at 8:30 a.m.

Josh Bolin, Membership Relations and Government Affairs Director for the National Association of Boards of Pharmacy (NABP) attended the meeting telephonically on behalf of Carmen Catizone, Executive Director of NABP. Mr. Bolin spoke to the concept paper created by NABP to assist in outlining their concepts on expanding their e-Profile and e-LTP program to assist states in implementing participation in Mutual Recognition of Licensure. Idaho recently passed legislation to allow for such mutual recognition.

NABP proposes establishing an Interstate Practice Registry within the NABP e-Profile and CPE Monitor Plus systems to allow for registration of pharmacists in states that have executed an agreement with another state. Fees for use of the system will be set by the Executive Committee with input from member boards and will cover administrative costs and ongoing development of online and mobile application tools.
The Board took up the matter of Interlake Pharmacy’s proposed Stipulation and Order. Interlake Pharmacy was not in attendance at the meeting and was not represented by counsel. Following an extensive discussion regarding root cause, patient safety, and penalties that increase patient safety, Dr. Jonas motioned to assess a fine of $2,000. Mr. Sperry seconded. Following additional discussion, the motion carried with Mr. Sperry opposed.

The Board took up the matter of Safeway Pharmacy #350’s proposed Stipulation and Order. Safeway Pharmacy #350 was not in attendance at the meeting and was not represented by counsel. Chairman Henggeler recused herself due to a potential professional conflict of interest. Following a brief discussion Dr. de Blaquiere motioned to approve the Stipulation as written. Dr. Killian seconded, and the motion carried.

The Board took up the agenda item Strategic Planning. Dr. Chopski asked the Board for direction regarding expungement of prior disciplinary action. The discussion began in September 2018 with a memo presented by then Executive Director, Alex Adams. The Board reviewed the memo again and granted unanimous consent to move forward.

The Board’s Administrative Rules were not approved by the Legislature during the 2019 session as required. Following discussion Dr. Jonas motioned to grant delegated authority to Dr. Chopski to work with the Division of Financial Management to move forward with establishing temporary rules as per established protocols. Dr. de Blaquiere seconded, and the motion carried unanimously.

Dr. Chopski introduced Governor Little’s Executive Order 2019-02, Red Tape Reduction Act. Governor Little’s goal is to reduce regulation in Idaho by mandating agencies provide DFM with a) a business/competitiveness impact statement that identifies the impact the proposed rule will have on individuals and small business; and b) at least two existing rules must be repealed or significantly simplified, or a statement indicating why the existing rules can’t be simplified or eliminated. The Board has been tasked with reducing the current Administrative Rules for Pharmacy by 10-12 pages.

Dr. Chopski introduced the Rules Concepts document. Following discussion of the concepts presented Dr. de Blaquiere motioned to approve the AARF removing IDAPA 27.01.04.21-28 to synchronize the rules with Idaho Code changes that take effect July 1, 2019. Dr. Henggeler requested a crosswalk document be created.

Following discussion of the Strategic Planning concepts the Board prioritized the focus for staff:

1. Rule Concepts
2. Mutual License Recognition to include NABP’s Interstate Practice Registry
3. Patient Safety Organizations
4. Expungement

The Board discussed patient safety organizations and their use and function across various settings of practice. The Board clarified they were interested in assessing the use of PSOs across the profession. In addition, the Board directed staff to use the concept of Just Culture in its approach to future disciplinary actions.

Dr. de Blaquiere requested staff conduct a survey of pharmacists to determine the extent that PSOs are used throughout the profession and report if the error rates are lower for those that do report to a PSO. Dr. Killian is interested in root cause analysis.

Mr. Sperry left the meeting at 2:30 p.m.

Mr. Fraser presented his request regarding grandfathered technicians and the requirement for proof of a High School Diploma. These technicians have been in the pharmacy profession for many years and are displaced by store closures. Dr. Jonas motioned to grant delegated authority to Board staff to approve Pharmacy Technician in Training applications from Grandfathered Pharmacy Technicians in the last six months.
that are unable to provide documentation a GED or High School Diploma. Dr. de Blaquiere seconded, and the motion carried unanimously.

Implementation of rules approved during the 2019 Legislature is in process. The Board would like to review the updated forms at the June meeting.

Dr. Chopski updated the Board on the planning of the District meeting.

Misty Lawrence, Management Assistant presented a budget update to the Board.

Fiscal Year Budget

- Fiscal year 2019 budget status with 78% percent of the year elapsed and 64% of the budget expended.
  - Personnel Cost are 70% expended.
    - There is $343,900 remaining in the personnel budget, the projected cost for the remaining fiscal year is $269,900.
    - There is approximately $74,000 in one-time salary savings.
    - Early implementation of CEC will use a portion of this amount, with the remainder being reverted.
  - Operating Expenditures are 46% expended.
    - There is $406,200 remaining in the operating budget.
    - There are a few large expenses coming in the next couple of months including the maintenance contract for the PMP at $88,776, the building lease payment of $100,273.58, and the maintenance contract for the licensing system for FY19 of $68,984.
    - These annual costs along with the monthly operating expenses will bring the budget close to the full operating appropriation.
  - Operating Expenditures for DHW Contract is 54% expended.
    - There is $54,400 remaining, $44,400 for Gateway/Narxcare Licenses and $10,000 for reports.
    - Staff is working with Appriss to get the remaining invoices for the Gateway & Narxcare licenses that have been implemented, invoices total approximately $36,500. A portion of these funds may be reverted due to DHW not requesting anticipated reports and may not do so this fiscal year.
    - Teresa Anderson has approved 223 Gateway licenses and 62 Narxcare licenses; there are 427 licenses pending approval.

Current Cash Balance

- The Board started the fiscal year with a cash balance of $2,699,070. Cash balance as of now is $2,808,300. There will be a large increase in May – June. There will be more added to the cash fund this year than in previous years, though next year we will see a decrease due to the prorated license renewals.

Budget Trend Comparison FY16 - FY19 – July – January

- Expenditures are slightly lower than in previous years due to the delay in expenditures for the licensing system.
- Revenue is trending up 45%, $397,000 over this time last year. An increase of $4,000 since the last report though there will be a large increase in revenue as renewals start. There is an 40-50% increase in revenue this year with a similar decrease next fiscal year.
- The cash balance is showing significant growth due to the increase in one-time revenue.

FY18 Monthly Cash Flow

- Month to cash flow is as expected. There is an uptick in revenue during the Controlled substance renewal and then it levels off.
Accumulative Monthly Cash Flow

The Board is in the black by $190,000 even after the last two months where expenditure exceeded revenues. As spring renewals begin the trend will continue.

Staff continues to work with Mr. Snook and Division of Purchasing to reach an agreement with the licensing vendor. Resolution is anticipated by the end of April.

Dr. Jonas motioned to enter executive session pursuant to Idaho Code Section 74-206(1)(b) "to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent…" Dr. Killian seconded, and the motion carried unanimously. Executive session began at 3:25 p.m.

Dr. Jonas motioned to leave executive session. Dr. Killian seconded, and the motion carried. Executive session ended at 4:15 p.m.

Dr. de Blaquiere motioned to adjourn. Dr. Jonas seconded, and the motion carried. Meeting adjourned at 4:17 p.m.