

**MINUTES OF THE  
IDAHO STATE BOARD OF PHARMACY  
February 6, 2020**

**Board of Pharmacy Office  
Boise, Idaho**

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 attendance were Board members Justin Messenger, PharmD; Rich de Blaquiére, PharmD; Kris Jonas, PharmD; and Ed Sperry, Public Member, as well as Nicki Chopski, PharmD, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Ali Breshears, DAG; Wendy Shiell, Amy Hickerson, CPhT and Jaime Sommer, Compliance Officers; Fred Collings, Chief Controlled Substance Investigator; Theresa Arnold, Management Assistant; Ellen Mitchell, Investigation Support Coordinator and several members of the public.

Dr. Henggeler called the meeting to order at 9:00 a.m.

Dr. Henggeler presented Wendy Shiell with a five-year Certificate of Service. Dr. Henggeler thanked Ms. Shiell for her dedicated service to the Board.

The Board took up the Consent Agenda items individually. Mr. Fraser provided an explanation of the new reports included with the Dashboard. He also shared that he will be updating and modernizing all applications over the next several months. Following a brief discussion Dr. Jonas motioned to accept the Dashboard. Dr. de Blaquiére seconded and the motion carried.

Mr. Fraser updated the Board on the Culture of Safety survey conducted by the Compliance Officers. Dr. de Blaquiére expressed his appreciation for the reports though he would like to see more detailed information related to medication errors. Dr. Chopski reported that she spoke with Donna Horn at a recent national meeting. Ms. Horn has taken a position with a new company and therefore no longer works with ISMP. There isn't a plethora of information available on how states handle errors from a culture of safety perspective. Dr. Chopski is still looking for an expert to provide the expertise Dr. de Blaquiére is requesting.

Mr. Fraser discussed the timelines for issuance of pharmacist licenses by reciprocity and technician in training registrations. He indicated the technician registrations are issued in less than a week if the applications are complete. Many of the applications are received at the board office with incomplete documentation. Mr. Sperry suggested making an instructional video to post on the website to help applicants apply correctly. Dr. de Blaquiére motioned to accept the reports as presented. Dr. Messenger seconded and the motion carried unanimously.

Following a brief discussion regarding the Delegated Authority document Dr. de Blaquiére motioned to accept the document. Mr. Sperry seconded, and the motion carried.

Dr. Jonas motioned to accept the director's expenses. Dr. de Blaquiére seconded, and the motion carried.

Mr. Sperry motioned to accept the Southworth report. Dr. Jonas seconded, and the motion carried unanimously. Dr. Chopski will be redoubling efforts to make all Idaho pharmacists aware of Southworth's program.

Mr. Fraser updated the Board on the number of Corrective Action Plans that have been issued since we started using them in July 2018. Dr. Chopski noted that case 19-086 was a test case. Mr. Fraser will continue to refine this report and future reports will include a high-level overview of topics handled through the process of CAPs.

Dr. Jonas motioned to accept the Travel Calendar. Dr. de Blaquiére seconded, and the motion carried. Dr. Henggeler expressed her appreciation of the travel reports as she enjoys hearing about the meetings board members and staff attend.

Dr. Chopski shared an email from Jacob Cooper, Client Relations Manager at Appriss Health. Mr. Cooper wrote to congratulate the Idaho PDMP for being included in the State of the State Address.

Steven Olsen, DAG attended the meeting to discuss the agenda item Consent Agenda: Stipulation and Consent Orders. The Board reviewed the Order for Community Compounding. Mr. Sperry expressed his disapproval regarding the fine as he believed it to be too low. Mr. Olsen is drafting a letter that will be sent to the resident state of mail order pharmacies, notifying them when a facility has applied and not completed the process or when the facility's Idaho registration expires. Mr. Sperry motioned to approve the Order. Dr. Jonas seconded, and the motion carried.

The Board took up the matter of Northwoods Veterinary Hospital, following a brief discussion Dr. Jonas motioned to approve the Order. Dr. de Blaquiére seconded, and the motion carried.

The Board took up the matter of Eastman Drug, Mr. Sperry motioned to modify the Order to include the owner must appear at the next Board meeting, create an action plan, and engage a Patient Safety Organization. Dr. de Blaquiére seconded, and the motion carried.

The Board took up the matter of Crossover Health. Following a brief discussion Dr. Jonas motioned to approve the Order. Dr. de Blaquiére seconded, and the motion carried.

Mr. Sperry motioned to approve Kellogg Pet Medical Center and Elizabeth Cameron. Dr. Jonas seconded, and the motion carried.

Michael Barbo, PA attended the meeting telephonically without legal counsel. Mr. Barbo requested termination of his current Board Order. Following a brief discussion Dr. Jonas motioned to approve the Order. Dr. de Blaquiére seconded, and the motion carried.

Justin Steiner, PharmD attended the meeting in person without legal counsel. Dr. Steiner requested reinstatement of his Idaho pharmacist license. Following discussion Dr. Jonas motioned to approve the application to include the standard language used by the Board. Mr. Sperry seconded, and the motion carried.

Dr. Chopski stepped out of the meeting at 11:55.

The Board took up the matter of Yesenia Marketing. Guillermo Tlilayatzí attended the meeting telephonically, with Debra Mejia provided translation assistance at Mr. Tlilayatzí's request. Mr. Tlilayatzí was not represented by legal counsel. Yesenia Marketing applied for a Wholesaler OTC Products registration through the board office. Board staff determined the application was outside their purview as the company was unable to meet the requirement for a resident state inspection report. Following discussion Dr. Jonas motioned to approve the application. Mr. Sperry seconded, and the motion carried.

Justin Curnutt, PharmD attended the meeting telephonically without legal counsel. Dr. Curnutt applied for an Idaho Pharmacist License by reciprocity. Board staff determined the application was outside their purview as Dr. Curnutt's license is on probation in Nevada. Following discussion Mr. Sperry motioned to approve the application with the conditions stated in his Nevada Order which includes Dr. Curnutt may not work more than 40 hours week; he must provide a copy of the Order to his employer/s and include the facts and circumstances of the case. Board staff is granted delegated authority to release Dr. Curnutt from the requirements of the Order upon his completion of the Nevada Order. Dr. de Blaquiére seconded, and the motion carried.

Dr. Chopski returned to the meeting at 12:30.

Following the lunch break the Board took up the approval of minutes. Dr. Jonas motioned to approve the minutes from October 23, 2019 and the minutes from December 17, 2019 minutes. Dr. Messenger seconded, and the motion carried.

Dr. Chopski presented a list of legislation from other agencies that could impact the Board.

Theresa Arnold presented the Board's financial report. The Board thanked Mrs. Arnold for her report.

Dr. Chopski explained there is a possibility the legislature will adjourn without reauthorizing the rules as happened in 2019. Following discussion Dr. Jonas made the following motion:

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

Therefore, we are delegating authority to adopt the temporary rules, to include clean up, with approval of the Board Chair, effective upon *sine die* of the 2020 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code."

Dr. de Blaquiére seconded, and the motion carried.

Mr. Fraser asked the Board for direction regarding CPE audits and the previously delegated authority. The Board reiterated their previous direction of \$50 and double the CPE credits the pharmacist is short if they are under five credits short (this does not count toward their current year CPE requirement). \$100 and double the CPE credits the pharmacist is short if they are over five credits short (this does not count toward their current year CPE requirement). New licensees are not required to complete CPE if their license was obtained between October 1 and December 31. No special allowances are provided for new graduates. If a pharmacist wants to use CME credits toward the CPE requirement, the certificates must be submitted to the board office in accordance with Board Rule 213 between December 1 and December 31 each year.

Mr. Fraser asked for direction regarding pharmacies that refuse to transfer prescriptions to other pharmacies on request. Board rules address the transfer of prescriptions but does not require pharmacies to transfer. Following discussion, the Board is satisfied with the process as written.

Dr. Chopski framed the conversation regarding accuracy of the data submitted to the PDMP. Board staff has seen prescription data that has been submitted with expired DEA registrations and the wrong doctor. Error correction reports are sent to the pharmacy every 24 hours until corrected. Dr. Chopski asked for a time frame for pharmacies to correct data when errors occur. Error correction requirements in other states vary from 24 hours to 7 days. The Board directed staff determine where the deficiencies are and to educate the pharmacists on correcting the errors.

Dr. Chopski updated the Board on the project Statewide Gateway. She also shared The SUPPORT Act requires mandatory PDMP checking and the MISSION Act mandates access to PDMP data for employees of the Veteran Affairs Health System cannot be interrupted. There is one vendor that she is aware of that requires their clients to purchase an add-on that creates a report similar to NarxCare®. Dr. de Blaquiére requested information on which other companies are operating this way.

Dr. Chopski shared that Erik Sevillano and Teresa Anderson were able to create an area on the website to allow public access to deidentified PDMP data. Mr. Sevillano was able to create some statistical reports that have been requested in the past. Dr. Chopski complimented Mr. Sevillano and Ms. Anderson on their accomplishment.

Dr. Chopski presented Governor Little's Executive Order 2019-09 Combatting the Opioid and Substance Use Disorder Crisis.

Dr. Chopski shared draft language regarding mandatory checking of the PDMP.

Mr. Sevillano has created reports and facilities are able to update their license record. The inspectors are educating registrants about the system changes. Registrants are also able to print their own license cards. Board staff sends multiple letters and notices by email indicating their license/registration is expiring or has expired.

Dr. Chopski updated the Board on the topic of USP 825 and the update to the USP appeals. Radiopharmaceuticals are no longer exempted by DEA. If the Board wants to write rules, they will need to be done next year as there is a moratorium on rules this year.

Dr. Jonas motioned to enter executive session as authorized by Idaho Code 74-206(1)(b)

*(1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:*

*(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, or public school student;*

Dr. de Blaquiére seconded and the motion carried by a roll call vote. Executive session began at 4:35.

Dr. Jonas motioned to leave executive session. Dr. de Blaquiére seconded and the motion carried by a roll call vote. Executive session ended at 5:12.

The Board expressed their pleasure in Dr. Chopski's accomplishments during her first year as the executive director. She has exceeded all expectations including updating the website, hosting the District meeting, carrying on the Red Tape Reduction Act and much more.

Dr. Messenger motioned to adjourn. Dr. Jonas seconded and the motion carried. Meeting adjourned at 5:20.