

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
June 10, 2021**

Board Meeting & Conference Call

**Board of Pharmacy Office
1199 Shoreline Ln
Boise, Idaho**

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

Chairman Kris Jonas, PharmD, called the meeting to order at 8:00 a.m. Those in attendance included Dr. Jonas; Justin Messenger, PharmD; Kevin Ellis, PharmD; Rich de Blaquiere, PharmD; Ed Sperry, Public Member; Ali Breshears, DAG; Robert Berry, DAG; Dayton Reed, DAG; Nicki Chopski, PharmD, Executive Director; Berk Fraser, RPh, Deputy Executive Director; Theresa Arnold, Management Assistant; Amy Hickerson, Compliance Officer; KC Roose, Evwin Lee and Dave Jones ISU Student Pharmacists; and Ellen Mitchell, Program Information Coordinator; and members of the public.

Dr. de Blaquiere motioned to approve the minutes of March 18, 2021, as written. Dr. Ellis seconded. The motion carried unanimously.

Mrs. Arnold presented the Financial Report and the director's expenses. Cash flow remains consistent with birth month renewals. There was over a \$100,000 influx of income generated from fines related to the CPE audit. The Covid testing grant is winding down and it appears approximately \$550,000 will be reverted to the state. Following a brief discussion, Dr. de Blaquiere motioned to accept the director's expenses and financial report. Dr. Messenger seconded, and the motion carried unanimously.

The Board reviewed the Consent Agenda. Dr. de Blaquiere expressed his appreciation of the inclusion of the kudos received by Board staff and noted they were well deserved. He also acknowledged the increase in pharmacist prescribing in the state. Hearing no further discussion Dr. de Blaquiere motioned to accept the Consent Agenda. Dr. Ellis seconded, and the motion carried unanimously.

The Board took up the Consent Agenda: Stipulation and Consent Orders which included Tawnya D O'Keefe, NP; Benjamin Gage, PharmD; and Benewah Community Hospital. Dr. de Blaquiere motioned to accept the Stipulation and Consent Orders. Dr. Ellis seconded, and the motion carried unanimously.

Dr. Jonas proceeded with the Administrative Hearing regarding Reva Reese, NP. Ms. Reese attended the hearing in person and without legal counsel. Dayton Reed, DAG represented the Board. Mr. Fraser was identified as the only witness aside from Ms. Reese. Dr. Jonas swore in Mr. Fraser and Ms. Reese prior to opening statements. Following opening statements and presentation of the evidence, each party offered closing statements. After a brief discussion, Mr. Sperry motioned to find Ms. Reese guilty of practicing without a registration. Dr. Ellis seconded, and the motion carried unanimously.

Following extensive discussion and to failed motions, Dr. de Blaquiere motioned to fine Ms. Reese \$7,000 to be paid in quarterly installments over a one-year period. If one installment is missed, it is to be paid with the following installment. Mr. Sperry seconded the motion. Following additional discussion Dr. de Blaquiere amended his motion to include suspension of Ms. Reese's Controlled Substance Registration if a second deadline is missed or if the final installment is missed. Mr. Sperry seconded the amendment, and the motion carried unanimously.

Dr. Jonas proceeded with the hearing regarding Tonya Cole's application for reinstatement of her Idaho pharmacist license. Ms. Cole attended the hearing in person with her legal counsel Portia Rauer. Robert Berry, DAG represented the Board. Ms. Cole was identified as the only witness. Dr. Jonas swore in Ms. Cole prior to opening statements. Following opening statements and presentation of the evidence, each party offered closing statements. After extensive discussion, Dr. de Blaquiere motioned to allow reinstatement of Ms. Cole's pharmacist license upon the following conditions: completion of 240 hours of internship with an ISU approved preceptor pursuant to a graduate intern registration which shall be issued upon receipt of a complete graduate intern registration application, approval of the Board's Executive director of a positive summary report from the preceptor upon completion of hours, and compliance with a PRN contract for 3 years from the date of the graduate intern registration issuance with an Idaho approved vendor. Board staff was delegated authority to approve or disprove the summary report from the preceptor. Upon completion and approval of the required intern hours and a current PRN contract, the pharmacist license may be issued. A negative report from the preceptor requires an appearance before the Board. Mr. Sperry seconded, and the motion carried unanimously.

Following the lunch break, the Board took up the matter of the conflict recently identified between the DEA registration and Idaho Practitioner Controlled Substance Registration (CSR) requirements. Currently Idaho rules require applicants to hold a valid DEA registration to apply for a CSR and DEA requires applicants to have a valid CSR to apply for a DEA registration. Dr. Chopski recently met with representatives from DEA to discuss a resolution to the issue. She subsequently received a letter from Matthew J. Strait, Deputy Assistant Administrator of Registration & Program Support Section indicating DEA will grant the Board a 13-month period to adjust rules and processes to align with Title 21 of the Code of Federal Regulations. Following a brief discussion, the Board granted delegated authority for Dr. Chopski to move forward.

The Board took up the topic of CPE Audits. Mr. Fraser presented a memo outlining his recommendations for processing of the 2020 calendar year audits. Following extensive discussion Mr. Sperry motioned to grant delegated authority to Board staff to adopt the following policy for the 2020 calendar year:

1. Categories
 - a. Those deficient in 5 and under
 - b. Those deficient in 6 to 10
 - c. Those deficient in over 10
2. Action
 - a. 5 and under - warning letter
 - b. 6 to 10 receive a CAP requiring twice the deficient amount of CE and \$100 per missing CE.
 - c. Over 10, Stipulation requiring twice the deficient CE and \$100 per missing CE.
 - d. If those that were deficient in 2019 are again deficient in 2020. Follow (c) and Board order includes suspension for those missing 7.5 credits (50%) or more for the second year until penalty hours are completed. Fines (\$300 per credit) to be paid within 60 days.
3. Deadlines are 30 days from notice for returning signed CAP and 60 days to complete the CPE. Missed deadlines result in process to hearing. No extensions.
4. Those that do not respond to the original notice within 60 days of deadline, will be noticed for hearing.

Dr. Messenger seconded, and the motion carried with Dr. de Blaquiere opposed.

Jennifer Adams, PharmD, Associate Dean of Students, ISU offered public comment in support of continuing to require CPE of pharmacists.

Tim Frost provided the Board with a Legislative update. The Senate has adjourned but the House has not, they are currently on recess. There will be no sine die for the House.

Governor Little will reauthorize rules. All DOPL fee rules will be temporary effective July 1, 2021.

HB208
HB40

Dr. Chopski provided additional administrative updates as follows:

- Utah has contacted Dr. Chopski regarding mutual recognition of pharmacists' licenses.
- Construction on the new offices is to begin soon, BOP is slated to move February 2022.
- Section Chiefs are now Bureau Chiefs.
- Organization Chart 3 is in process, Bureau Chiefs are meeting with staff that have been assigned.
- Drs. Frost and Chopski are conducting Townhall meetings throughout the state in preparation for Zero Based Regulation.
- New Investigator Mike Celeste starts at the Board office on July 6, 2021. One goal of DOPL is to build an interdisciplinary investigation team.
- FY2022 Strategic Plan was included in the packet, the Division will have a Strategic Plan as a whole and will be more visionary versus operational.
- FDA MOU and comments received were reviewed. Dr. Chopski will keep the Board informed as additional feedback is received. The Board will need to make a determination whether to sign by October.
- Ellen Mitchell has announced her retirement from the Board after 26 years of service to the state of Idaho. Her position will be reclassified to a research analyst for PDMP. Her other duties will be covered by five additional staff members.

The Board took up the Election of Officers for FY2022. Dr. Messenger motioned to appoint Dr. de Blaquiere as Chairman and Mr. Sperry as Vice Chairman. Dr. Ellis seconded the motion. In discussion, Mr. Sperry declined the nomination, and the motion was withdrawn. Dr. Ellis motioned to appoint Dr. de Blaquiere as Chairman, and Dr. Jonas as Vice Chairman. Dr. Messenger seconded, and the motion carried unanimously.

Jennifer Adams, PharmD offered public comment thanking Ms. Mitchell for all her work with the Board and ISU.

Dr. Messenger motioned to adjourn. Mr. de Blaquiere seconded, and the motion carried. Meeting adjourned at 3:44 p.m.

Kris Jonas, Chairman

Rich de Blaquiere, Vice Chairman

Kevin Ellis, Member

Justin Messenger, Member

Ed Sperry, Public Member

Nicki Chopski, Executive Director