



State of Idaho
Division of Occupational and Professional Licenses
Board of Pharmacy

BRAD LITTLE
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Minutes of 09/07/2023

Board Members Present: Justin Messenger, PharmD – Chair
Kevin Ellis, PharmD
Kris Jonas, PharmD
Anna Hoenke, PharmD

Division Staff: Nicki Chopski, PharmD, Executive Officer
Russell Spencer, General Counsel
Stephanie Lotridge, Licensing & Registration Program Manager
Berk Fraser, RPh, Chief Investigator
Susan Villanueva, Board Support Specialist

Others Present: Joan Callahan, Prosecutorial Counsel

The meeting was called to order at 8:30 AM by Justin Messenger, PharmD.

Approval of Minutes

A motion was made and seconded to approve the 06/08/2023 minutes. The motion carried.

DIVISION BUSINESS

Financial Update: The Board reviewed the financial report as of 6/30/2023, and staff addressed the Board's questions.

FY23 Performance Measure Report: The Board reviewed the licensing and investigations reports for the 2023 fiscal year.

Executive Agency Legislative Ideas (EALS): Dr. Chopski expects seven agency legislative ideas to go before the 2024 legislative session, and the Board members will receive an email from the Division Administrator outlining the agency legislation. Additionally, HHS has recommended the DEA reclassify marijuana as a Schedule III controlled substance. Should the DEA accept this recommendation, the Board will need to consider rescheduling in the Idaho Uniform Controlled Substance Act.

Board Training – Disciplinary Process: Mr. Spencer reviewed the license suspension and administrative complaint and hearing processes. The only change in the Board's process will be to authorize the Board Prosecutor to file an administrative complaint should a respondent reject a Stipulation and Order.

BOARD BUSINESS

PDMP 37-2722 Compliance Update: The Board was provided with a report of prescriber compliance by county. Staff noted that five counties are responsible for 70% of the prescriptions written in Idaho every month. Dr. Chopski reviewed the statistics for PDMP compliance through July 2023.

Delegated Authority Review: The Board reviewed the current delegated authority allowed to staff. After discussion, it was determined no changes were needed. A motion was made and seconded to reauthorize the delegated authority. The motion carried.

Delegated Authority for Out-of-Practice/Reinstatement Discussion: The Board reviewed the rules regarding reinstatement for out-of-practice pharmacists. After discussion, the Board agreed to delegate authority to staff to approve the reinstatement of a pharmacist who has been out of practice for less than 36 months and has met the following conditions: no discipline on the license and all reinstatement requirements under IDAPA 24.36.01.214.01. A motion was made and seconded to authorize delegated authority for out-of-practice pharmacist reinstatements that meet the discussed requirements. The motion carried.

Tech Check Tech Wavier Request: Dr. Jessica Bowen from St. Luke's Health Systems (SLHS) requested the Board grant a waiver to allow pharmacy technicians to perform the final product check on compounded products. Dr. Bowen presented reasoning for the request, including a 2022 observational study conducted by SLHS. The study compared the accuracy of error identification by pharmacists and pharmacy technicians. The results showed pharmacy technicians and pharmacists had similar accuracy, with technicians having slightly better accuracy. Dr. Bowen addressed the Board's questions. After discussion, a motion was made and seconded to grant SLHS a waiver of IDAPA 24.36.01.301.04. The motion carried. The Board will enter rulemaking to consider a rule change as required by Idaho Code § 67-5230 (5).

Conference Attendance Requests & Reports: The Board reviewed submitted travel reports and discussed attendance at upcoming conferences. A motion was made and seconded to approve upcoming Board travel as presented. The motion carried.

Public Comment: Dr. Jen Adams acknowledged Dr. Chopski for being awarded the Western Idaho's Preceptor of the Year. Dr. Adams asked the Board to consider educating its licensees on pharmacists as independent prescribers as it relates to filling prescriptions.

EXECUTIVE SESSION

A motion was made and seconded to enter Executive Session pursuant to Idaho Code § 74-206(1)(d) to consider records related to a licensee's ability to obtain or retain a license, which are exempt from public disclosure, Idaho Code § 74-106(9). The vote was: Dr. Ellis, aye; Dr. Messenger, aye; Dr. Jonas, aye; Dr. Hoenke, aye. The motion carried.

A motion was made and seconded to exit Executive Session. The motion carried.

Discipline:

A motion was made and seconded to enter a Stipulation and Order for case numbers BOP-22-138, BOP-23-115, BOP-22-067, BOP-23-122, BOP-23-079, and BOP-23-199 and to authorize the Board Prosecutor to file an administrative complaint should any of the Stipulation and Consent Orders be rejected. The motion carried.

A motion was made and seconded to initiate a Corrective Action Plan for case number BOP-21-062. The motion carried.

Adjourn

There being no further business, the meeting was adjourned at 2:35 PM.

The next meeting is on 12/11/2023.