



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

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Minutes of 9/15/2022

Board Members Present:	Kevin Ellis, PharmD, Chair Justin Messenger, PharmD Kris Jonas, PharmD	Division Staff:	Nicki Chopski, PharmD, Executive Officer Katie Stuart, Board Services Program Manager Stephanie Lotridge, Licensing & Registration Program Manager Lea Kear, Legal Counsel Berk Fraser, RPh, Chief Investigator Mike Celeste, Investigations Supervisor Amy Hickerson, CPhT, Compliance Officer Wendy Shiell, Compliance Officer Felicia Kruck, Management Assistant Jan Arrasmith, RT, Education and Practice Specialist Pam Rebolo, Board Support Supervisor Susan Villanueva, Board Support Specialist Susan Cassell, Board Support Specialist Ellis Guzman, Research Analyst
Board Member Absent:	Ed Sperry	Others Present:	Josh Scholer, Division of Financial Management

The meeting was called to order at 8:31 AM by Dr. Ellis.

Approval of Minutes

Motion to approve 7/21/2022 minutes was made and seconded. Motion carried unanimously.

Division Business

Dr. Chopski informed the Board that there is no financial update. The Board should expect a report at the December meeting. Dr. Chopski reviewed how finance will calculate the reports and how allocations will be divided between the Boards.

Dr. Chopski presented the legislation for final review before being submitted to the legislature. There were no changes to the language since the board reviewed it at the previous meeting. No changes were made, and it was approved by unanimous consent.

Board Business

Dr. Chopski updated the Board about the Drug Supply Chain Security Act (DSCSA). She stated that in the future, track and trace will be replaced with an electronic interoperable system. No legislation will be pursued at this time in relation to DSCSA as the FDA has not yet issued its final rules.

The Board reviewed correspondence regarding the consideration of licensure for virtual wholesalers. Dr. Chopski stated that analysis shows that the regulations from state to state vary. If Idaho were to license virtual wholesalers, no statute changes would be needed. Dr. Jonas asked if the Board had received any complaints regarding virtual wholesalers. There have been no complaints, as the Board has not licensed virtual wholesalers. The Board will add this to the agenda for the December meeting for further discussion.

Dr. Chopski reviewed the omnibus rule chapter 24.36.01. She stated that nothing had been added or subtracted in the language since the board last reviewed it in April. No comments have been received during that time. Striking Rule 704 in its entirety was discussed as agency draft legislation will be introduced.

Dr. Messenger motioned to move the rule chapter to proposed with Rule 704 struck. Dr. Jonas seconded. Motion passed. This chapter will be published in the October Bulletin.

Board training was vacated.

After reviewing the authorities delegated by the Board to staff, a motion was made and seconded to accept the delegated authority as written. Motion carried.

The Board reviewed the Idaho Supreme Court Docket #49356 opinion filed 8/24/22 as well as the summary statement. Both documents affirmed the decision of the lower courts to bring this item to conclusion.

Dr. Chopski gave an update on the injunctive relief that resulted from the opioid litigation. She stated that there is a concern in the pharmacy practice about providing patient information to the wholesaling clearing house. She has reached out to a Deputy Attorney General and await their response. There is a concern within the pharmacy community that this could lead to interruption or delay for the patient receiving their medications.

The travel calendar was reviewed. Dr. Chopski spoke at the NW Idaho Summit on Substance Use presenting on 'Optimizing the Use of the Prescription Drug Monitoring Program.'

Dr. Jonas reviewed her travel to the NABP District 6,7,8 meeting.

Ms. Stuart thanked the Board for the opportunity to attend the APhA Institute on Substance Use Disorder.

Dr. Messenger and Dr. Jonas expressed interest in attending the APhA in December.

Consent Agenda- Stipulations and Orders

A motion was made and seconded to accept the Consent Agenda- Stipulations and Orders. Motion carried.

Consent Agenda

Dr. Ellis asked about the PDMP numbers on the dashboard and if the numbers were moving in the right direction. Dr. Chopski stated the program has been in place for two years, and the numbers are trending upward; more practitioners are utilizing the program regularly. Dr. Ellis also asked whether action is being taken on licensees not checking the PDMP. Dr. Chopski stated that, at this time, practitioners are not being disciplined solely for not checking. The Board will add 37.27.22 for a discussion topic to the agenda for the December meeting.

A motion was made and seconded to accept the Consent Agenda. Motion carried.

Adjourn

There being no further business, the meeting was adjourned at 10:42 AM.

The next meeting is on 12/8/2022.