



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

**BRAD LITTLE**  
Governor  
**RUSSELL BARRON**  
Administrator

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**Minutes of 03/09/2023**

<b>Board Members Present:</b>	Kevin Ellis, PharmD, Chair Justin Messenger, PharmD Kris Jonas, PharmD Anna Hoenke, PharmD Ed Sperry, Public Member	<b>Division Staff:</b>	Nicki Chopski, PharmD, Executive Officer Katie Stuart, Board Services Program Manager Stephanie Lotridge, Licensing & Registration Program Manager Russ Spencer, General Counsel Christopher Gilliam, Human Resources Specialist Sr. Berk Fraser, RPh, Chief Investigator Mike Celeste, Investigations Supervisor Amy Hickerson, CPhT, Compliance Officer Wendy Shiell, Compliance Officer Jaime Thompson, Compliance Officer Susan Villanueva, Board Support Specialist
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**Others Present:** Joan Callahan, Prosecutorial Counsel

The meeting was called to order at 8:30 AM by Kevin Ellis, PharmD.

**Approval of Minutes**

A motion was made and seconded to approve the 12/15/2022 minutes. Motion carried.

**DIVISION BUSINESS**

**Respectful Workplace Training:** Mr. Gilliam, Human Resources, presented Respectful Workplace Training to the Board.

**Confidentiality, Conflict of Interest, & Honoraria Policies:** Mr. Spencer reviewed these policies with the Board.

**Legislative Session Overview:** Dr. Chopski gave the Legislative Session Overview, as follows:

H0004- This bill updates the Idaho Uniform Controlled Substance Act scheduling decisions for 2022. It includes placing synthetic opioids in Schedule I, a substance to treat insomnia in Schedule IV, and an anticonvulsant substance in Schedule V. This has been signed by the Governor on 3/6/23, Session Law Chapter 13.

H0082- This legislation is to ensure the Citizens of Idaho and Health Practitioners maintain unregulated access to vitamins and supplements.

H154- This legislation amends Chapter 9, Title 18 of Idaho Code by adding a new section to provide that providing or administering a vaccine using messenger ribonucleic acid technology in an individual or other mammal in the State of Idaho is a misdemeanor.

H162- This legislation updates the Idaho Telehealth Access Care Act in Title 54, Chapter 57, Idaho Code by changing the term "telehealth" to "virtual care," and clarifies virtual care practice requirements.

H215- In 2020, legislation was passed (H386) adding Title 41-349 to Idaho statute regarding Pharmacy Benefit Managers. This legislation adds language to clarify and outline the enforcement authority of that section of the law by the Department of Insurance.

H270- The purpose of this legislation is to establish minimum and uniform standards and criteria for the audit of pharmacy records by or on behalf of pharmacy benefit managers and other authorized entities.

**PRN/HPRP Update:** Ms. Stuart provided information regarding the Health Professions Recovery Program (HPRP) formally PRN, she stated that a contract was awarded to Southworth Associates, starting April 1, 2023. Ms. Stuart outlined the plan for educating health professionals regarding the program, which includes a newly updated flyer, speaking engagements at conferences, and training throughout the state.

**Financial Update:** The Board reviewed the financial report.

## **BOARD BUSINESS**

**PDMP 37-2722 Compliance Review:** Dr. Chopski updated the Board on activities since the last meeting. The PDMP statistics have been presented to multiple Boards. Those Boards have agreed with the approach to enforcement for those not checking the PDMP and that the Board of Pharmacy should take the lead in enforcement. The Boards have requested reports going forward.

**Virtual Wholesaler Licensure Update:** Ms. Lotridge reviewed the progress the staff has made in creating a process for virtual wholesaler licensure. It is expected to be implemented on April 1, 2023.

**Continuing Education (CE) Preliminary Audit-** Mr. Fraser reviewed the Continuing Education (CE) statistics. The Board did not audit CEs for 2020, and 2021. The preliminary report from NABP for the current audit (2022) indicates that 2032 licensees were deficient in CEs. After a discussion regarding discipline, the Board requested a future discussion with possible rule changes.

A motion was made and seconded to have staff move forward with a warning letter regarding CE deficiencies and the potential discipline in accordance with delegated authority. Motion carried.

**Findings of Fact & Conclusions of Law:** A motion was made and seconded in case number BOP-21-031, to accept the Findings of Fact & Conclusions of Law without changes, and to enter a Final Order. Motion carried.

**Update Regarding Idaho Abortion Law:** Mr. Spencer reviewed the impact of IC 18-622 with the Board.

**Conference Attendance Requests & Reports:** The Board reviewed submitted travel reports and discussed attendance at upcoming conferences.

**Public Comment:** Dr. Jennifer Adams thanked the Board and Dr. Chopski for the help they gave her regarding the law class. Dr. Rob Geddes thanked the Board for their hard work and commitment to being leaders in the industry, stating that what they were able to establish in Idaho is now being rolled out in Colorado and soon in Alaska. He noted Montana has a bill pending that is also expected to pass.

### **EXECUTIVE SESSION**

A motion was made and seconded to enter Executive Session pursuant to Idaho Code § 74-206(1)(f) to discuss pending litigation with legal counsel and Idaho Code § 74-206(1)(d) to consider records related to a licensee's ability to retain a license, which is exempt from public disclosure. The vote was: Dr. Ellis, aye; Dr. Messenger, aye; Dr. Jonas, aye; Dr. Hoenke, aye; Mr. Sperry, aye. Motion carried.

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

### **Applications:**

A motion was made and seconded to deny application # 376724. Motion carried.

### **Discipline:**

A motion was made and seconded to enter a Stipulation and Order in case numbers: BOP-22-019, BOP-22-067, and BOP-23-067. Motion carried.

A motion was made and seconded to initiate a CAP in case numbers: BOP-21-214, BOP-23-044, BOP-23-059, and BOP-23-064. Motion carried.

A motion was made and seconded to close case number BOP-22-065. Motion carried.

A motion was made and seconded to send a letter of warning in case number BOP-23-055. Motion carried.

A motion was made and seconded to request an appearance before the Board to determine a resolution in case numbers BOP-23-050 and BOP-23-078.

### **Adjourn**

There being no further business, the meeting was adjourned at 4:51 PM.

The next meeting is on 06/08/2023.