



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

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**Minutes of 06/08/2023**

<b>Board Members Present:</b>	Kevin Ellis, PharmD, Chair Justin Messenger, PharmD Kris Jonas, PharmD Ed Sperry, Public Member	<b>Division Staff:</b>	Nicki Chopski, PharmD, Executive Officer Russ Spencer, General Counsel Katie Stuart, Board Services Program Manager Stephanie Lotridge, Licensing & Registration Program Manager Berk Fraser, RPh, Chief Investigator Susan Villanueva, Board Support Specialist Madysen Crea, Board Support Specialist
<b>Board Member Absent:</b>	Anna Hoenke, PharmD	<b>Others Present:</b>	Noe Ronquillo, Pharmacy Student 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 03/09/2022 minutes. The motion carried.

**DIVISION BUSINESS**

**Legislative Session Overview:** Dr. Chopski briefed the Board on the 2023 Legislative Session and addressed the Board's questions. The legislature achieved sine die on April 6, 2023, and authorized the Board's rules, making them permanent. The following bills were discussed:

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. The Board runs this bill annually and will document the rationale behind scheduling more thoroughly this year.

H0061: This legislation seeks to amend Chapter 57, Title 54, Idaho Code, by adding a new section to provide for Interstate Mental and Behavioral Telehealth.

H0074: This legislation creates a universal work recognition licensure pathway for individuals with four years of work experience in the military, another state, district, or territory of the United States that does not require a license to regulate that person's profession or occupation but for which Idaho uses a license to regulate a profession or occupation. The bill removes outdated methods of establishing competency for licensure and clarifies that a board or commission decision related to a criminal conviction must be relevant to the occupation and license requested.

H0162: 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 outlining permanent enforcement. Dr. Chopski stated that this bill outlines that the venue of care is where the patient is located. Additionally, providers must provide care within their scope of practice and licensure while adhering to all applicable laws and the Idaho standard of care where the patient resides.

Mr. Spencer reviewed H0374, which amended provisions of Chapter 6, Title 18, Idaho Code.

Dr. Chopski also reviewed non-agency bills H0215 and H0291 and notified the Board that H0028 did not pass during this session, but the division plans to run a similar bill in the future.

**Financial Update:** The Board reviewed the financial report as of 4/10/2023, and staff addressed the Board's questions.

**Licensing System ITN Update:** Dr. Chopski informed the Board that the Division has entered into a contract for their new Licensing Information System. The goal for implementation of the new system is mid-year 2024. The Board reviewed the new Board of Pharmacy website and provided staff with suggestions.

## **BOARD BUSINESS**

**DSCSA Impact Discussion:** Dr. Chopski outlined the Drug Supply Chain Security Act (DSCSA), which directs the establishment of national licensure standards for wholesale distributors and third-party logistics providers. The National Association of Boards of Pharmacy (NABP) has a pilot created to assist drug supply chain stakeholders with developing an interoperable electronic program capable of identifying and tracing prescription drugs distributed within the United States. This program is intended to replace the track and trace requirement. The Idaho Board is participating in testing this program.

**Draft Statute Review:** The Board discussed draft language to revise the Uniform Controlled Substance Act and considered reasons for scheduling seven (7) substances. The Board agreed that all seven (7) substances should be placed in Schedule I. Dr. Jonas mentioned that scheduling these illicit substances will assist law enforcement and increase public safety. A motion was made and seconded to move forward with the draft language. The motion carried.

**Continuing Education Rule Discussion:** Dr. Adams from Idaho State University College of Pharmacy gave a presentation on Continuing Professional Development and the importance of continuing education (CE). The Board reviewed and discussed the proposed pilot and requested to review more information at a future meeting. Board staff will provide information on a similar program in Iowa. Additionally, Mr. Sperry requested that staff seek feedback from the patients. The Board Chair asked for public comment on the suggested pilot.

Mr. Geddes stated that the program is an opportunity to explore different avenues and that it is a great first step, but more discussion is needed and should involve stakeholders.

**Licensure Liability Questions:** The Board reviewed information about mental health stigma and licensees' fear of licensure application questions. They discussed the liability questions on the licensure applications and renewals, possible language revisions, and how to standardize the

questions across all health profession boards. Dr. Jonas suggested providing information on resources that are available and having the applicant attest that they understand the information. This will be a continuous discussion as the Division standardizes applications and procedures across the Boards.

**PDMP 37-2722 Compliance Review:** Staff updated the Board regarding the statistics of PDMP checking. Checking has increased across all professions since the first round of compliance letters were sent out. There has been an increase in the integration of PDMP, and Ellis Guzman, the Board's research analyst, has driven the improvement of the program by working with the vendor. The Board discussed ideas on how to keep the numbers trending in the right direction. The Board requested that staff continue with their current approach and provide prescribing data by county to compare with county check rates at the next board meeting.

**Just Culture Review:** Noe Ronquillo, a fourth-year pharmacy student, presented a review of Just Culture. Mr. Ronquillo outlined the three duties that could be neglected, causing a fault in judgment, and described how to use the Just Culture algorithm. This algorithm is a tool that facilitates consideration of the quality of the decision-making process instead of the outcome when determining actions to take. Dr. Chopski noted that she plans to include Just Culture in her Pharmacy Law Update presentation for the upcoming year.

**Public Comment:** Dr. Bowen encouraged the Board to consider the mental and behavioral health of medical professionals when applying Just Culture.

**Expungement Request:** Following the review of the expungement request, pursuant to Idaho Code § 67-9413, a motion was made and seconded to grant the request for expungement of BOP-06-69. The motion carried, three in favor and one opposed.

### **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; Mr. Sperry, aye. The motion carried.

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

### **Appearance:**

A motion was made and seconded to approve the request for early graduation from the Health Professional Recovery Program. The motion carried.

### **Applications:**

A motion was made and seconded to approve application numbers one and two, with conditions discussed. The motion carried.

### **Discipline:**

A motion was made and seconded to direct staff to further investigate case number BOP-23-079. The motion carried.

A motion was made and seconded to enter a Stipulation and Order for case numbers BOP-23-113 and BOP-23-120. The motion carried.

A motion was made and seconded to initiate a Corrective Action Plan for case number BOP-23-126. The motion carried.

### **BOARD BUSINESS**

**Board Elections:** Following a review of Idaho Code § 54-1713, a motion was made and seconded to elect Dr. Messenger as Board Chair and to elect Dr. Jonas as Vice Chair with terms effective on July 1, 2023. The motion carried.

**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.

### **Adjourn**

There being no further business, the meeting was adjourned at 5:08 PM.

The next meeting is on 09/07/2023.