



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

**BRAD LITTLE**  
Governor  
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### Minutes of 03/28/2024

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

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

**Others Present:** Eric Nelson, Prosecutorial Counsel

The meeting was called to order at 8:35 AM by Justin Messenger, PharmD.

#### Approval of Minutes

A motion was made and seconded to approve the 12/11/2023 & 12/28/2023 minutes. The motion carried.

#### DIVISION BUSINESS

**Legislative Update:** Board staff reviewed the current progress of the 2024 legislative session.

**Financial Update and Five-Year Projections:** The Board reviewed the five-year financial projections report, and staff addressed questions. Dr. Chopski informed the Board that they have a large cash balance, and the Division is preparing a report to address this.

#### BOARD BUSINESS

**Temporary Rulemaking – 2024 Legislation:** The Board agreed to strike the following rules due to the substantive language being added to Idaho Code Title 54 Chapter 17 as a result of House Bill 527.

010. Definitions and Abbreviations:

14. FPGEC Certification

18. NAPLEX

100. Practice of Pharmacy General Approach

101. Prescriber Performance of Pharmacy Functions

211. Pharmacist Licensure by Examination

212. Pharmacist Licensure by Reciprocity

A motion was made and seconded to adopt the entire draft rule chapter as temporary rules pursuant to Idaho Code § 67-5226(1)(b). The motion carried.

## **Zero-Based Regulation (ZBR):**

### 010. Definitions and Abbreviations:

04. Change of Ownership: The Board agreed to strike this definition as it is only used once and will be incorporated into Rule 230.05.

07. CPE Monitor: The Board agreed to strike this definition as it is only used once and will be incorporated into Rule 213.

09. DME Outlet: The Board agreed to change the title of this rule to Durable Medical Equipment Outlet.

011. Definitions and Abbreviations (O-Z): The Board agreed to strike this in the temporary rule as all definitions and abbreviations will be combined into one section for consistency.

23. Prescriber: The Board agreed to strike this definition as it is duplicative of Idaho Code § 54-1705(51)

24. Purple Book: The Board agreed to strike this definition as it is a commonly understood term in the profession and only used once; therefore, it will be incorporated into Rule 404.03.

27. Restricted Drug Storage Area: The Board agreed to strike this definition as it is only used once and will be incorporated into Rule 300.03.

28. Therapeutic Equivalent Drugs: The Board agreed to strike this definition as it is only used once and will be incorporated into Rule 402.01.

100. Practice of Pharmacy General Approach: Public Comment: The Board chair asked for public comment on the changes being considered to this rule. Dr. Jennifer Adams asked the board to consider adding the statutory citation of this rule somewhere else in the chapter as it is essential to the practice of pharmacy.

104.07. Failure to Confer: The Board agreed to clean up language in this rule to align with current practice standards.

200. Board of Pharmacy Licensure and Registration: The Board agreed to strike this rule as it is duplicative of Idaho Code §§ 54-1718 & 54-1721.

### 201. Licensure and Registration: General Requirements:

201.01. Board Forms: The Board agreed to strike this rule as it is duplicative of Idaho Code §§ 54-1722, 54-1723, 54-1723A & 54-1729.

201.02. Incomplete Applications: The Board agreed to strike this rule as it is inconsistent with Idaho Code § 67-2604(1).

201.04. Late Renewal Application: The Board agreed to strike this rule as it is inconsistent with Idaho Code § 67-2614(7).

201.05. Exemption: The Board agreed to strike this rule as it is inconsistent with Idaho Code § 67-2614(6).

201.08. Parent or Legal Guardian Consent: The Board agreed to strike this rule as it is unnecessary.

202.03. Fee for Dishonored Payments: The Board agreed to strike this rule as it is inconsistent with current licensure procedures.

### 203. Fee Schedule:

203.03. Late Fees and Reinstatements: The Board agreed to strike this fee table as it is inconsistent with Idaho Code Title 67 Chapter 26.

203.04. Administrative Services: The Board agreed to strike the duplicate pharmacist certificate of licensure fee as licensees will be able to print their own certificate in the new licensing system.

210.04. Exemption from Separate Controlled Substance Registration: The Board is generally supportive but directs staff to revise the language related to fee exemption.

211.03. Licensure by Examination: The Board acknowledges HB 527 removed the maximum number of NAPLEX attempts.

212. Pharmacist Licensure by Reciprocity: The Board directed staff to retain and thereby relocate the option to require intern hours for return to practice.

213. Pharmacist License: CPE Requirements: The Board discussed this rule and directed staff to draft language that moves toward a standard of care approach.

**Public Comment:** The Board chair asked for public comment on the changes being considered to this rule. Dr. Adams provided a short PowerPoint presentation on an alternative continuing education (CE) model. Dr. Jessica Bowen asked if the Board would continue to have an education and training requirement for remediation if CE was no longer required. Dr. Steph Croteau from ISHP stated that they have sent out a survey to members to gather their opinions on CE requirements. Once they have the results, ISHP will provide them to the board.

214. Pharmacist License: Reinstatement: The Board agreed to strike this rule as it is duplicative of Idaho Code § 67-2614(7).

216.02. Pharmacist Intern Registration Renewal: The Board agreed to change the renewal schedule for intern licenses to biennially and continue to waive the fee for on-time renewal.

220.01. Technician Registration Requirements: The Board agreed to strike the minimum age requirement of sixteen (16) years of age to be a registered technician.

224. Practitioner Controlled Substance Registration: The Board was informed that this rule is currently under legal review.

230.08. Sterile Preparation Endorsement: The Board agreed to strike this rule as it is no longer a current process.

240.03. Wholesaler Registration: The Board agreed to reword this rule to refer to the current Idaho Code.

250.01. Mail Service Pharmacy: The Board agreed to reword this rule for clarity and change the title to Nonresident Drug Outlet.

250.02. Manufacturer: The Board agreed to reword this rule for clarity and change the title to Exemption from Wholesaler Licensure.

**Public Comment:** Dr. Bowen asked questions regarding clarification of student pharmacy technician, pharmacy technician, and certified pharmacy technician titles and fees. Additionally, she asked for clarification on pharmacist registration and prescribing pharmacists.

**Continuing Education Compliance Audit Discussion:** Mr. Fraser reviewed the Continuing Education (CE) Audit findings. The Board directed the staff to proceed with an agreement in lieu of discipline, as outlined in delegated authority, to address licensees with CE deficiencies.

**Culture of Safety Survey:** The Board reviewed the survey questions, and after a discussion, the subject was tabled for further Board review.

**Case Review BOP-19-059:** A motion was made and seconded to terminate the mirrored Stipulation and Order for case number BOP-19-059. The motion carried.

**Case Review BOP-20-115:** A motion was made and seconded to terminate the mirrored Stipulation and Order for case number BOP-20-115. The motion carried.

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

### **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 an applicant's ability to obtain, or 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. The motion carried.

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

### **Applications:**

A motion was made and seconded to conditionally grant licensure for application numbers 384494 and 379424, as discussed in the executive session. The motion carried.

### **Discipline:**

A motion was made and seconded to enter into an agreement in lieu of discipline for case numbers BOP-23-200, BOP-23-225, and BOP-24-044. The motion carried.

A motion was made and seconded to authorize the Board Prosecutor to file an Administrative Complaint in case numbers BOP-21-145, BOP-23-067, BOP-23-115, BOP-22-019, and BOP-24-030. The motion carried.

A motion was made and seconded to enter a Stipulation and Order in case numbers BOP-24-011, BOP-24-039, and BOP-24-040. The motion carried.

A motion was made and seconded to close case numbers: BOP-23-232, BOP-23-233, BOP-23-234, and BOP-24-026. The motion carried.

A motion was made and seconded to send a letter of warning in case number BOP-24-051. The motion carried.

A motion was made and seconded to authorize the Board Prosecutor to file an administrative complaint should any of the negotiations expire or be rejected. The motion carried.

### **Adjourn**

There being no further business, the meeting was adjourned at 6:20 PM.

The next meeting is on 05/01/2024.