



THE REPORT

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Board of Pharmacy Rule and Law Changes

**By Mark Johnston, Executive Director
Idaho Board of Pharmacy**

The legislature repealed all existing Board of Pharmacy (Board) rules and approved an entire new set in 2012, to become effective upon Sine Die. One new area of Board registration is termed the Prescriber Drug Outlet and is defined as: "A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples." It is important to note that administering and prescribing are not included in this definition and thus do not require registration as a drug outlet. These rules only pertain to prescribers who dispense, which is defined as: "the preparation and delivery of a prescription drug...in a suitable container appropriately labeled...".

Prescriber drug outlets are required to pay a \$35 fee with registration, renew annually and post their registration conspicuously. Please note that only one registration per facility is required, not per prescriber within the facility.

Prescriber drug outlets are required to abide by applicable general practice standard rules, including the following:

- Drugs must be stored in accordance with USP-NF requirements in an area maintained and secured appropriately to safeguard product integrity and protect against product theft or diversion. The link to the USP-NF web site is: <http://www.usp.org/usp-nf>
- Expired, deteriorated, adulterated, damaged, or contaminated drugs must be removed from stock and isolated for return, reclamation, or destruction.
- Prescription drugs must be dispensed in packaging materials that preserve their integrity, cleanliness, and potency.
- Once removed from the premises from which it was dispensed, a drug must not be accepted for return, unless it meets several requirements, including being unit dose packaged.
- Each controlled substance registrant must maintain a current, complete, and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed, or otherwise disposed of by the registrant.
- A potential recipient of a controlled substance must first be positively identified, via a government issued ID, or the controlled substance must not be dispensed. Exceptions include the dispensing being paid for by an insurer, dispensing to institutionalized patients, and if the patient is personally and positively known. documentation requirements exist.

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Board of Pharmacy Rule and Law Changes continued

- Documentation requirements exist. Documentation must be created and retained sufficient to evidence compliance with the offer to counsel and the counseling requirements of 2011 changes to Section 54-1739, Idaho Code, which also require a prospective drug review with each dispensing. Said terms are defined in Section 54-1705, Idaho Code.

Pursuant to 2011 changes, specified data must be reported weekly by prescribers that dispense controlled substances; however, data on controlled substance prescription drug samples does not need to be reported.

The DEA has required a biannual controlled substance inventory for decades. As per existing statute 37-2720, the Board may enforce DEA inventory and record keeping requirements. In 2011 however, Idaho started requiring an annual controlled substance inventory. The Board encourages prescribers to read the DEA's Practitioner Manual available at: <http://www.deadiversion.usdoj.gov/pubs/manuals/pract/index.html>.

Some prescribers may be utilizing Automated Dispensing and Storage Systems (ADS), which are defined as mechanical systems that perform operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collect, control, and maintain transaction information. ADS are subject to extensive regulation and require additional registration.

Additionally, some prescribers may be engaging in sterile product preparation, which requires a separate registration and an onsite Board inspection prior engaging in such activity.

Specific rule language can be found on the Board's web site: www.accessidaho/bop.org/. Questions can be directed to the Board by e-mailing info@bop.idaho.gov or by calling (208)334-2356.

According to the National Institute of Health, what are the three most commonly abused classifications of prescription drugs?

- 1) Opioids
- 2) CNS Depressants
- 3) Stimulants

BOARD ACTIONS

BOARD ACTIONS

Details of disciplinary actions are available on the [Board of Medicine web site](#)

PLEASE NOTE

Some physicians have similar names, please verify information by license number on our web site.

Explanation of terms:

- Stipulation: an agreement, admission, or concession.
- Stipulation and Order: an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.
- Suspension: temporary withdrawal of authorization to practice.
- Reprimand: a formal admonishment of conduct or practice.
- Revocation: cancellation of the authorization to practice.

Robert Tilley, MD

M-11171 Oregon

Board Action: Order for Reciprocal Discipline

Michael Hawthorne, MD

M-10957 Louisiana

Terms of Prior Order Satisfied (fine)

Jerome Hutchens , MD

M-8090 Texas

Board Action: Order for reciprocal Discipline

Robert Mena, MD

M-8898 Jerome, ID

Board Action: Stipulation and Order Terminated

Lon Miller, MD

M-6077 Arizona

Board Action: Stipulation and Order Terminated

Adrienne Robertson, MD

M-11130 Eagle, ID

Board Action: Assessed a fine , failure to comply with profile law

Krzysztof Ziola, MD

M-10666 California

Terms of prior order satisfied (fine)

Bradley Walker, MD

M-6166 California

Board Action: Stipulation and Order prescribing without current registration



Annual Summary of Licensure and Discipline

The annual summary of licensure and discipline is included in this newsletter.

See the center section of this newsletter

Board Welcomes New Members

The Board of Medicine welcomes new members:

Pattie Knudsen Copple for a second term as public member on the Dietetic Licensure Board

Richard White, RT and Carrie Massey, RT to a second term on the Respiratory Licensure Board



REMINDERS

Prescription drug abuse is a growing concern especially among young people. Take a minute and remind patients to whom you prescribe controlled substances to secure their medications in their homes.

License renewals coming soon. If your license expires in 2012 license renewals will be available on-line beginning in late April 2012. Check our [website](#) for further details.

Avoid the rush and frustration of the renewal period to check and [update your IDACARE profile](#) now

Physician Assistants are reminded that any change in supervising physicians must be reported to the Board within two weeks

Athletic Trainers a reminder that if you advertise yourself as an AT or ATC you must be licensed in Idaho.

Proposed Rule Changes

IDAPA 22.01.12 Rules Related to health Care Workers

At its March 2012 meeting the Board of Medicine acted to seek repeal of these rules as the rules are outdated and redundant of language existing in current laws and rules of the Board.

IDAPA 22.01.14 Rules Relating To Complaint Investigation

The Board of Medicine proposes to update and clarify the rules relating to complaint investigations

The Board proposes changes to the Medical Practice Act and IDAPA 22.01.09 Rules for the Licensure of Physician Assistants to allow members of the Physician Assistant Advisory Committee to opt out of the Public Employee Retirement System of Idaho (PERSI).

Changes will be available on the Board of Medicine [website](#)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
ATHLETIC TRAINERS												
New Licenses Issued	14	11	14	28	18	20	25	22	25	25	22	30
Licenses Renewed	99	118	112	115	121	125	128	128	134	144	149	150
DIRECTING PHYSICIANS												
New Registrations Issued					27	14	4	8	3	8	3	4
Registrations Renewed					27	38	38	38	23	41	47	48
RESPIRATORY THERAPISTS												
New Licenses Issued	53	67	73	63	46	58	69	76	53	77	66	100
Licenses Renewed	483	470	498	528	553	570	578	610	651	660	693	717
POLYSOMNOGRAPY												
Technician - New Permits Issued					22	0	9	10	15	12	13	13
Permits Renewed						16	8	13	11	18	12	16
Technologist - New Permits Issued					21	2	8	10	11	9	18	13
Permits Renewed						21	21	29	36	45	48	59
DIETITIANS												
New Licenses Issued	19	33	23	24	17	31	40	33	29	33	41	39
Licenses Renewed	276	280	295	327	307	302	314	344	356	371	383	403

PHYSICIANS - MD		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Licenses Issued		238	264	321	250	227	267	307	352	415	337	296	351
Licenses Renewed		3038	3205	3125	3267	3359	3343	3435	3620	3842	4238	4366	4314
Active		3218	3296	3446	3517	3586	3610	3742	3807	4257	4411	4509	4665
Inactive		156	173	201	213	238	232	202	187	169	164	153	146

PHYSICIANS - DO		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Licenses Issued		18	24	29	20	27	28	47	39	51	42	35	54
Licenses Renewed		181	177	189	205	216	231	254	295	316	363	424	407
Active		193	193	218	225	243	259	301	324	367	396	415	461
Inactive		6	8	8	11	14	17	13	10	9	9	9	9

PHYSICIAN - VOLUNTEER		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Licenses Issued							1	2	0	1	0	3	0
Licenses Renewed								1	3	3	4	3	4
Active								3	3	4	4	6	4

PHYSICIAN ASSISTANTS		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Licenses Issued		53	45	41	51	44	61	60	75	57	48	49	74
Licenses Renewed		159	175	216	239	270	307	354	402	447	509	504	515

SUPERVISING PHYSICIANS		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Registrations Issued		83	73	71	64	13	95	72	113	62	79	84	83
Registrations Renewed/Reinstated		171	275	258	251	286	244	314	368	322	425	475	520

SUPERVISING PHYSICIANS COS-METIC & LASER		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
New Registrations Issued									14	9	6	4	5
Registrations Renewed										14	23	23	25

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Please note if you are submitting a response to a Board inquiry or a completed application, the completed material must be received in the Board office at least 20 days before the scheduled meeting date. Materials not received in that time frame will be added to the next regularly scheduled meeting agenda.

Board meetings are posted on the [Idaho Board of Medicine web site](#)

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