Dear Senators LODGE, Broadsword & Werk, and
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Board of Pharmacy:

IDAPA 27.01.01 - Rules of the Idaho State Board of Pharmacy (Docket No. 27-0101-0805).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-24-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-21-08.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Research & Legislation Staff - Paige Alan Parker

DATE: October 6, 2008

SUBJECT: Board of Pharmacy - IDAPA 27.01.01 - Rules of the Idaho State Board of Pharmacy (Docket No. 27-0101-0805 (Proposed))

The Board of Pharmacy submits Docket No. 27-0101-0805 (hereinafter "proposed rule"), amending the Boards rules found at IDAPA 27.01.01. According to the Board, the proposed rule is authorized pursuant to sections 37-2715 and 54-1717, Idaho Code.

Chapter 27, title 37, Idaho Code is the Uniform Controlled Substances Act. Section 37-2715, Idaho Code, permits the Board to promulgate rules relating to the dispensing of controlled substances within Idaho. Chapter 17, title 54, Idaho Code, is the Idaho Pharmacy Act. Section 54-1717, Idaho Code, provides general rulemaking authority for the Board of Pharmacy.

The purposes of this rulemaking are multiple. The Board explains that it is more efficient to refer to pharmacy interns and externs as "student pharmacist," a newly defined term and that such student pharmacists should be permitted to communicate to another pharmacist controlled substance prescription transfer information under the supervision of a pharmacist. Also proposed are updating redundant and obsolete licensing requirements, permitting online access to required reference materials, including skilled nursing facilities to use a formulary or drug list prepared by its pharmacy and therapeutics committee for drug substitution purposes and permitting more flexibility on the time when the annual inventory of controlled substances at pharmacies must be conducted , along with housekeeping changes.

According to the Board, no fee or charge is imposed by the temporary and proposed rule. The Board states that there is no anticipated impact to the general fund greater than $10,000 during the fiscal year as a result of the temporary and proposed rule. According to the Board, negotiated rulemaking was not conducted because of the simple nature of the rulemaking. The Board states that public hearing(s) will be scheduled if requested in writing by 25 persons, a political subdivision, or an agency, not later than October 15, 2008. All written comments must be delivered to the Board on or before October 22, 2008.

ANALYSIS

The housekeeping changes will not be discussed in this memorandum.

The term "student pharmacist" has been substituted for "extern or intern" throughout the proposed rule. "Student pharmacist" is defined as "a term inclusive of intern and extern when differentiation is not needed." Section 010.05. The definition for the term "ratio" has been deleted by the proposed rule.

Registrations and renewals for interns expire annually on June 30, rather than May 15, under the proposed rule. Section 100.01.

Section 104, dealing with approved training site requirements, has been deleted by the proposed rule. This deleted rule required that an approved training site be registered by the Board as a place providing practical and professional training deemed applicable for preparing the extern or intern for licensure and described the types of training sites that would qualify. This specific rule change was not called out by the Board in its Descriptive Summary.

The North American Pharmacist Licensure Examination (NABPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE) have been specifically called out in the proposed rule as licensure examination entities, both of which must be passed in accordance with National Association of Boards of Pharmacy standards. The proposed rule has deleted the requirements that licensure examinations be administered at least twice a year and that a score of not less than 75 be obtained to pass the exam. Also deleted are the waiting period following failure to pass examinations and certain procedural examination application filing and notification requirements and application fee refund provisions. Sections 105, 108 and 109.

For foreign pharmacy graduates, the proposed rule requires that graduates of pharmacy programs located outside the U.S. provide a Foreign Pharmacy Graduate Examination Committee certification or other Board approved program prior to applying for the NAPLEX and MPJE. This requirement replaces more generic requirement contained in the existing rule. Section 106.

The Accreditation Council for Pharmacy Education replaces the American Council on Pharmaccutical Education as the accrediting agency for colleges with pharmacy programs under the proposed rule. Section 107.

Procedural matters dealing with application, notification and refunds dealing with reciprocity have been deleted by the proposed rule. Instead, the proposed rule provides that the Board will reciprocate through NABP's Electronic Licensure Transfer Program, or other Board approved program. Also reciprocity applicants are required to pass the MPJE. An applicant who has not actively engaged in the practice of pharmacy as a registered pharmacist in the year preceding application may be required to complete 40 intern hours for each year away from the

profession of pharmacy. Section 108.

Provision for a re-examination fee for failure to pass the jurisprudence examination has been deleted by the proposed rule. Existing section 113.

The required references listed in the existing rule may be in book, computer diskette or online applications. Section 152.

The proposed rule deletes the controlled substance exception from the permitted oral information communication between a student pharmacist under the direct supervision of a pharmacist to another pharmacist. Section 160.

The formulary or drug list exception to the substitution prohibition has been extended to a skilled nursing facility where the specified quality assessments and assurance committee has prepared the list. "Skilled nursing facility" is defined as "an institutional facility, or a distinct part of an institutional facility, which is primarily engaged in providing daily skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for injured, disabled or sick persons." Section 187.b.

Under the proposed rule, each registered pharmacy is required to take an annual inventory of all stocks of controlled substances on hand within seven days of the prior year's inventory. Under the existing rule, this inventory must be taken on the same date each year. Section 496.04. The proposed rule also deletes the requirement that the inventory be taken either as of the opening of business or as of the close of business. Existing Section 496.06.

SUMMARY

The Department's proposed rule change appears to be authorized under sections 37-2715, and 54-1717, Idaho Code.

cc: Idaho State Board of Pharmacy
Mark D. Johnston, Executive Director

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-0805

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 37-2715 and 54-1717, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Pharmacy interns and externs, which are pharmacy students, are treated in the Board's rules in a manner which makes it more efficient to refer to them as within the single class of "student pharmacist," except where differentiation is required, so a change is proposed to include a definition of "student pharmacist." Several of the rule provisions regarding registration and experience requirements for pharmacy externs/interns and regarding pharmacist licensing requirements are redundant and/or obsolete and are being updated and rendered more concise. Current rule does not permit the reference library required in each pharmacy to include materials available to the pharmacy through on-line web applications but does permit certain items to be accessible by computer diskette, so the proposed changes permit on-line web applications as an acceptable access medium for the same types of items accessible through computer diskette. Current rule permits pharmacy externs and interns under the supervision of a pharmacist to communicate to another pharmacist prescription transfer information so long as the prescription is not for a controlled substance. The Board's experience with externs and interns is such that it believes that the foregoing limitation can be removed without risk to the public health and safety and proposes amending the rule to delete the controlled substance limitation. Additionally, in view of the definitional addition proposed, the Board proposes rule changes to substitute "student pharmacist" for "extern/intern" within those rules. Based on its regulatory experience, the Board believes it is appropriate and poses no risk to public health or safety to amend the rule to include skilled nursing facilities as an institution or facility permitted, as the rule currently permits hospitals, to use a formulary or drug list prepared by its pharmacy and therapeutics committee like hospitals for drug substitution purposes. Current rule requires that each pharmacy conduct an annual inventory of its stocks of controlled substances "on the same date each year" and specifies the time of day as of which the inventory may be taken. The inventory required by the rule can be made less burdensome for pharmacies without risk to the public health or safety by amending the rules to permit the annual inventory to be taken within a range of days of the prior year's inventory. The proposed rulemaking amends rules to: add a definition of "student pharmacist," which will be inclusive of interns and externs when differentiation is not required; delete redundant and/or obsolete provisions, consolidate existing rules, and renumber rules; permit the reference library required of pharmacies to include certain items in the form of on-line web application access; substitute the term "student pharmacist" for "extern/intern" and delete the provision which restricts prescription transfer communications between an "extern/intern\" ("student pharmacist") under the direct supervision of a pharmacist and another pharmacist to non-controlled substances; include a "skilled nursing facility" as an institution or facility permitted, as currently are hospitals, to use a formulary or drug list prepared by its pharmacy and therapeutics committee for drug substitution purposes, and to provide a definitional reference for "skilled nursing facility;" and clarify the time frame within which a pharmacy is to conduct its annual inventory of its stocks of controlled substances.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ($10,000) during the fiscal year resulting from this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance

on technical questions concerning the proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 13th day of August, 2008.

Mark D. Johnston, R.Ph.
Executive Director
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

THE FOLLOWING IS THE TEXT OF DOCKET NO. 27-0101-0805

010. DEFINITIONS.

01. Board. Idaho Board of Pharmacy. (6-16-06)T

02. Pharmacist Extern. Any person enrolled in an approved college of pharmacy who has not received his first professional degree in pharmacy, and who is obtaining experience under the supervision of a pharmacist preceptor. (6-30-95)

03. Pharmacist Intern. Any person who has successfully completed a course of study at an accredited college or school of pharmacy and received the first professional degree in pharmacy, and who is obtaining practical experience under the supervision of a pharmacist preceptor. (6-30-95)

04. Preceptor. A licensed pharmacist in good standing engaged in the practice of pharmacy at a registered training site and directly responsible in supervising the training of a student pharmacist ~~*extern or intern*~~. The preceptor shall be responsible for: ~~*(6-30-95)*~~( )

a. Personally providing the ~~*extern or intern*~~ student pharmacist with training experience which in his judgment will increase the ~~*extern or intern's*~~ student pharmacist's proficiency; and ~~*(6-30-95)*~~( )

b. Reporting to the Board upon request, the progress of any ~~*pharmacy extern or intern*~~ student pharmacist under his supervision; and ~~*(6-30-95)*~~( )

c. Certifying the ~~*extern or intern's*~~ student pharmacist's experience affidavits when the extern or intern leaves his supervision. ~~*(6-30-95)*~~( )

05. ~~*Ratios*~~. ~~*A ratio of one (1) pharmacist preceptor to one (1) extern or intern will be required for dispensing functions.*~~ **Student Pharmacist**. A term inclusive of intern and extern when differentiation is not needed. ~~*(6-30-95)*~~( )

(BREAK IN CONTINUITY OF SECTIONS)

100. REGISTRATION.

01. Interns. Interns shall, prior to obtaining practical experience, make application for registration to the Board, on forms provided by the Board, along with the appropriate fee. Registrations and the renewals of registrations are the responsibility of the intern and expire on ~~*May 15*~~ June 30, annually. ~~*(3-15-02)*~~( )

02. Externs. Externs shall, prior to obtaining practical experience, be enrolled in an accredited college of pharmacy and make application for registration to the Board, on forms provided by the Board, along with the appropriate fee. The registration will remain in effect as long as the extern remains in the college of pharmacy and until July 15 following graduation from the college of pharmacy, provided the registration has not been revoked or suspended by the Board. (3-15-02)

03. Forms. Registration forms issued to student pharmacists will provide a personal registration-receipt copy that shall be carried by the registrant whenever engaged in extern or intern training. ( )

0~~3~~4. Registration. ~~*The*~~ An approved training site shall ~~*make*~~ be registered by the Board as a place providing practical and professional training deemed applicable for preparing the student pharmacist for licensure. ~~*a*~~Application ~~*to the Board*~~ for registration shall be completed on the form~~s~~ provided by the Board along with the appropriate fee. This registration expires on June 30, annually. ~~*(6-30-95)*~~( )

0~~4~~5. Credit. Credit for practical experience will not be accepted unless the ~~*extern or intern*~~ student pharmacist and the training site have been registered. ~~*(6-30-95)*~~( )

(BREAK IN CONTINUITY OF SECTIONS)

102. PRACTICAL EXPERIENCE TIME REQUIRED.
The ~~*extern or intern*~~ student pharmacist must acquire one thousand five hundred (1,500) hours of practical pharmacy experience under a licensed pharmacist, at a registered training site, said one thousand five hundred (1,500) hours to be acquired after the individual is enrolled in a college of pharmacy. Practical experience may be acquired concurrently with college attendance. ~~*(6-30-95)*~~( )

103. CERTIFICATION OF EXPERIENCE.

01. Affidavit. An Idaho Board of Pharmacy Employer's Affidavit will be supplied by the Board and will be certified by a pharmacist in any of the following situations: (6-30-95)

a. For ~~*externs or interns*~~ student pharmacists at the termination of any specific training period or training site; ~~*(6-30-95)*~~( )

b. For interns as of the date the intern reaches the aggregated total of required experience hours. (6-30-95)

02. Experience. Experience time will not be accredited until these affidavits are submitted by the ~~*extern or intern*~~ student pharmacist. The affidavit must be submitted to the Board within thirty (30) days of the ending date of the training period. The ~~*extern or intern*~~ student pharmacist will be notified of the acceptance or denial of the experience submitted. ~~*(6-30-95)*~~( )

~~***104. APPROVED TRAINING SITE REQUIREMENTS.***~~
~~*An approved training site shall be registered by the Board as a place providing practical and professional training deemed applicable for preparing the extern or intern for licensure. One-half (1/2) the experience must be gained at a community or hospital pharmacy. Approved training site may include:*~~ ~~*(6-30-95)*~~

~~***01. Community Pharmacy, Registered by the Board**. It shall provide adequate experience in recognized and accepted pharmaceutical procedures normally encountered in a community pharmacy only while under the direct, personal supervision of a licensed pharmacist. (6-30-95)*~~

~~***02. Hospital Pharmacy, Registered by the Board**. It shall provide adequate experience in recognized and accepted pharmaceutical procedures normally encountered in an accredited and licensed hospital pharmacy and only while under the direct, personal supervision of a licensed pharmacist. (6-30-95)*~~

~~***03. Pharmaceutical Manufacturing Company or Lab**. A pharmaceutical manufacturing company or laboratory may provide experience in testing, analysis, manufacturing, packaging, labeling, the development and research of pharmaceutical products, and the applicable laws relative to training. One half (1/2) of the experience may be gained with a pharmaceutical manufacturing company or laboratory. The balance shall be in other approved training areas. (7-1-93)*~~

~~***04. Pharmaceutically Related Research Programs**. Externs or interns participating in pharmaceutically related research programs supervised by instructors who are licensed pharmacists, may gain one-fourth (1/4) of the experience required in this area. The extern or intern shall outline the research experience in a manner that will assure the Board that such experience has contributed to his fitness for licensure. (6-30-95)*~~

~~***05. Instructorship and Teaching Assistant**. Pharmacy interns employed as instructors and pharmacy externs or interns employed as teaching assistants in an accredited college or school of pharmacy and teaching required pharmacy courses, may gain experience equivalent to one-fourth (1/4) of the required training. This experience must be gained under the supervision of a licensed pharmacist instructor on the staff where the extern or intern is teaching. The extern or intern shall outline the scope of the teaching experience in a manner that will assure the Board that such experience has contributed to his fitness for licensure. The intern instructor shall be deemed eligible to participate in this area of experience only after he has obtained the first professional degree in pharmacy. (6-30-95)*~~

~~***06. Other**. Experience may be gained in other areas related to pharmacy with prior approval by the Board. (6-30-95)*~~

10~~5~~4. PRACTICE LIMITATION OF ~~*EXTERN OR INTERN*~~ STUDENT PHARMACIST.

01. Activities. The ~~*extern or intern*~~ student pharmacist shall be allowed to engage in any of the practice activities of a licensed pharmacist provided that: ~~*(7-1-93)*~~( )

a. Such activity is under the immediate supervision of a licensed pharmacist who is present in the pharmacy; (6-30-95)

b. Any activity of a compounding, dispensing, or interpretive nature is checked by a licensed pharmacist; (7-1-93)

c. Any recording activity which requires the initial or signature of a licensed pharmacist is countersigned by a licensed pharmacist. (7-1-93)

02. Violation. Violation of the above practice limitations will result in the ~~*cancellation*~~ revocation of the registration of the training site, disciplinary action against the pharmacist and an evaluation for acceptance or rejection of the hours the ~~*extern or intern*~~ student pharmacist has obtained while under the supervision of a preceptor at this training site. ~~*(6-30-95)*~~( )

10~~6~~5. LICENSURE EXAMINATIONS.

~~*The examination of candidates for licensure as a pharmacist will be administered at least two (2) times during each fiscal year of the state.*~~ A person who has successfully completed a course of study at an accredited college or school of pharmacy and received the first professional degree in pharmacy may file an application to sit for the North American Pharmacists Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or any other Board ~~*examinations*~~ approved programs. ~~*The applicant, if examined after June 1, 1986, must pass the National Association of Boards of Pharmacy standard examination for licensure, or equivalent examination,*~~

~~jurisprudence and practical pharmacy. Applicant must obtain a score of not less than seventy-five (75) to pass the examination. NABPLEX, jurisprudence and practical examinations are not averaged to obtain a final score.~~ Both exams must be passed in accordance with National Association of Boards of Pharmacy (NABP) standards. Failure will subject the applicant to re-examination and payment of the original fee in accordance with NABP standards. ~~All NABPLEX failures must wait until a regularly scheduled uniform testing date to retake examinations. State jurisprudence and practical examinations may be arranged through the Board office, providing at least thirty (30) days from the date of the failed examination have elapsed. After candidate has successfully passed the examination, licensure will be completed when certification of the required extern/internship has been filed with the Board office. After an applicant for examination has completed and filed the official application, he will be notified by the Board as to the time and place of the examination and, should the applicant fail to appear for an examination, the applicant may apply for a refund. Upon application for a refund, the Board will refund thirty dollars ($30) of the original fee. Only under these circumstances will a refund be made to applicant. (7-1-93)~~( )

~~**107. FORMS.**~~
~~Registration forms issued to externs/interns will provide a personal registration receipt copy that shall be carried by the registrant whenever engaged in extern/intern training. (7-1-93)~~

~~**108. APPLICANT FOR LICENSURE BY EXAMINATION.**~~

~~**01. General Requirements**. The applicant, if examined after June 1, 1986, must pass the National Association of Boards of Pharmacy standard examination for licensure, or equivalent examination, jurisprudence and practical pharmacy. Applicant must obtain a score of not less than seventy-five (75) to pass the examination. NABPLEX, jurisprudence and practical examinations are not averaged to obtain a final score. (7-1-93)~~

~~**02. Failure of Examinations**. Failure will subject the applicant to re-examination and payment of the original fee. All NABPLEX failures must wait until a regularly scheduled uniform testing date to retake examinations. State jurisprudence and practical examinations may be arranged through the Board office, providing at least thirty (30) days from the date of the failed examination have elapsed. (7-1-93)~~

~~**03. Upon Completion of Application**. After an applicant for examination has completed and filed the official application, the applicant will be notified by the Board as to the time and place of the examination and should the applicant fail to appear for an examination, the applicant may apply for a refund. Upon application for a refund, the Board will refund thirty dollars ($30) of the original fee. Only under these circumstances will a refund be made to applicant. (7-1-93)~~

~~**109. EXAMINATION APPLICATION.**~~
~~All applications for examination as provided for in Section 54-1722, Idaho Code, must be filed with the Board together with all fees, at least thirty (30) days prior to the date of the examination. (7-1-93)~~

1~~1~~06. FOREIGN PHARMACY GRADUATES.
~~Only those schools or colleges of pharmacy which have demonstrated that the standards of their respective undergraduate degree programs are at least equivalent to the minimum standards of accreditation established by the American Council on Pharmaceutical Education shall be deemed "approved" by the Board for the purposes of Section 54-1722(1)(d), Idaho Code. However, g~~Graduates of schools or colleges of pharmacy located outside the United States ~~which have not demonstrated that the standards of their respective undergraduate degree programs are at least equivalent to the minimum standards for accreditation established by the ACPE shall have satisfied the requirements of Section 54-1722(1)(d), Idaho Code, by providing evidence satisfactory to the Board of graduation from such school, by successfully passing an equivalency examination, and tests of both spoken and written English, recognized by the Board~~ must provide a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification, or other Board approved program, prior to applying for the NAPLEX and MPJE. ~~(7-1-93)~~( )

1~~11~~07. ACCREDITED PHARMACY COLLEGE.
For the purposes of Section 54-1722, Idaho Code, a college recognized by the Board is an institution which meets the minimum standards of the ~~American~~ Accreditation Council ~~on Pharmaceutical~~ for Pharmacy Education and appears on its list of accredited colleges of pharmacy as published by the Council as of July 1 of each year. ~~The Board also approves the accreditation standards of the American Council on Pharmaceutical Education as they appear in Section IV, pages 11 through 17 of the Accreditation Manual, Seventh Edition, January 1, 1974, a copy of which is~~

~~*kept on file at the Board office.*~~ ~~*(7-1-93)*~~( )

1~~12~~08. RECIPROCITY.

~~***01.***~~ Applicant for Reciprocity. ~~*After an applicant for reciprocity has completed and filed the official application he will be notified by the Board as to the time and place the application will be acted upon, at which time and place the applicant must be present.*~~ The Board will reciprocate through NABP's Electronic Licensure Transfer Program (ELTP), or any other Board approved program, and reserves the right to approve ELTP applications. Applicants ~~*may be*~~ are also required to ~~*take an examination in jurisprudence*~~ pass the MPJE. An applicant who has not actively engaged in the practice of pharmacy as a registered pharmacist during the year preceding the time of filing the application, may be ~~*compelled*~~ required to ~~*take the practical examination*~~ complete forty (40) intern hours for each year away from the profession of pharmacy. ~~*(7-1-93)*~~( )

~~***02. Compliance with Instructions.*** *If the instructions accompanying the application are not fully complied with, if application is filed and withdrawn, if applicant does not present himself to the Board and make it possible for the Board to act upon the application, the applicant will not be entitled to any refund.* *(7-1-93)*~~

~~***03. Denial of Reciprocal Licensure by Board.*** *If the applicant completes and files the official application as instructions require, and personally appears before the Board but is denied reciprocal licensure, he may then apply for a refund. When the Board office receives the application for refund a refund of fifty dollars ($50) will be made. Only under these circumstances will a refund be made to applicants.* *(7-1-93)*~~

~~***113. FAILURE.***~~
~~*Failure to pass the jurisprudence examination will result in a re-examination fee as set by these rules.* *(7-1-93)*~~

1~~14~~09. -- 130. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

152. REFERENCE LIBRARY.

01. Required ~~*Books*~~ References. The latest editions and supplements, either in book, computer diskette or on-line web application, of the following: ~~*(3-20-04)*~~( )

a. Idaho Pharmacy Law and Rules; (3-20-04)

b. One (1) of the following current pharmacy references: (3-20-04)

i. Facts and Comparisons; (3-20-04)

ii. Clinical Pharmacology; (3-20-04)

iii. Micromedex; and (3-20-04)

c. One (1) other current pharmacy reference of your choice ~~*(book or computer diskette)*~~. ~~*(3-20-04)*~~( )

(BREAK IN CONTINUITY OF SECTIONS)

160. PRESCRIPTION TRANSFER.
A pharmacist may transfer prescription order information for the purpose of refilling a prescription only if the information is communicated orally directly by one (1) pharmacist to another pharmacist. Such oral information can be communicated by a~~n extern/intern~~ student pharmacist under the direct supervision of a pharmacist to another pharmacist as long as one (1) of the parties involved in the communication is a pharmacist~~ and the order is not for a controlled substance~~. In the alternative, the transferring pharmacist may transfer the prescription order information by facsimile transmission to the receiving pharmacist. In the case of a facsimile transmission, the transmission shall be signed by the transferring pharmacist. ~~(3-30-01)~~( )

01. Prescriptions for Controlled Substances. Prescriptions for controlled substances may be transferred only from the pharmacy where it was originally filled, and never from the pharmacy that received the transfer. (7-1-93)

a. In addition to the information required below, the pharmacist transferring the prescription shall record on the back of the original order, the DEA number and address of the pharmacy to which the transfer was made. (7-1-93)

b. The receiving pharmacist must record the DEA number and address of the pharmacy transferring the order. (7-1-93)

02. Transferring a Prescription. The pharmacist ~~(extern/intern)~~ who transfers the prescription shall: ~~(7-1-93)~~( )

a. Invalidate the original prescription by writing the word "void" across the face of the form. (7-1-93)

b. On the reverse side of the form shall record the following information: his name; name of the receiving individual; name of the receiving pharmacy; date of the transfer and the number of authorized refills available. (7-1-93)

03. Receiving Transferred Prescription. The pharmacist ~~(extern/intern)~~ who receives the transferred prescription shall: ~~(7-1-93)~~( )

a. Reduce the transferred information to writing including a notation that the prescription is a "transfer" and include all information required by law or rule. (7-1-93)

b. On the reverse side of the form he shall record the following information: his name; the name of the transferring individual; the name of the transferring pharmacy; the date of the original dispensing and transfer and the number of refills authorized; the number of valid refills remaining and the date of the last refill; the serial number of the prescription transferred. (7-1-93)

04. Computer. Transferring pharmacies that utilize a computer prescription database which contains all of the prescription information required by law or rule may enter the information required under Section 160 of these rules into the pharmacy's prescription database (including de-activation of the transferred prescription in the database of the transferring pharmacy), in lieu of entry of the required information on the original written prescription. The receiving pharmacy must generate a hard copy to be treated as a new prescription, which hard copy shall also contain all of the information required under Section 160 of these rules. (3-30-01)

05. Refills. Prescriptions for non-controlled drugs may be transferred more than one (1) time as long as there are refills remaining and all of the provisions as listed above are followed. (7-1-93)

06. Common Electronic Files. (7-1-98)

a. For drugs other than controlled substances: Two (2) or more pharmacies may establish and use a common shared electronic prescription file to maintain required dispensing information. Pharmacies using such a common file are not required to transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file. (7-1-98)

b. For controlled substances: Pharmacies must satisfy all information requirements of a manual mode for prescription transferal. (7-1-98)

c. All common electronic files must contain complete and accurate records of each prescription and refill dispensed. Hard copies must be generated and treated as a new prescription by the receiving pharmacy. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

187. PROHIBITED ACTS.

01. Substitution. Substitution is prohibited and shall be deemed grounds for revocation of a license of a pharmacist pursuant to Section 54-1726, Idaho Code, and registration pursuant to Section 54-1732, Idaho Code. (6-1-94)

02. Exception. The use of a formulary or drug list prepared by: ( )

a. ~~t~~The pharmacy and therapeutics committee of a hospital and agreed to by the staff physicians of the hospital. ~~(8-4-94)~~( )

b. The quality assessments and assurance committee of a skilled nursing facility, consisting of the director of nursing services, a physician designated by the facility, and at least three (3) other members of the facility's staff. For purposes of this rule, a "skilled nursing facility" means an institutional facility, or a distinct part of an institutional facility, which is primarily engaged in providing daily skilled nursing care and related services for residents who require medical or nursing care, or rehabilitation services for injured, disabled or sick persons. ( )

(BREAK IN CONTINUITY OF SECTIONS)

496. CONTROLLED SUBSTANCE INVENTORY.
Each registered pharmacy shall maintain the inventories and records of controlled substances as follows: (7-1-93)

01. Inventories and Records for Schedule I and II. Inventories and records of all controlled substances listed in Schedule I and II shall be maintained separately from all other records of the pharmacy, and prescriptions for such substances shall be maintained in a separate prescription file; (7-1-93)

02. Inventories and Records for Schedules III, IV, and V. Inventories and records of controlled substances listed in Schedules III, IV, and V shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy and prescriptions for such substances shall be maintained either in a separate prescription file for controlled substances listed in Schedules III, IV, and V only or in such form that they are readily retrievable from the other prescription records of the pharmacy. (7-1-93)

03. Readily Retrievable. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than one (1) inch high and filed either in the prescription file for controlled substances listed in Schedules I and II or in the usual consecutively numbered prescription file for non-controlled substances, provided that for pharmacies employing an electronic record-keeping system for prescriptions which permits identification by prescription number and retrieval of original documents by prescriber's name, patient's name, drug dispensed, and date filled, the requirement to mark the hard copy prescription with a red "C" is waived. (7-1-99)

04. Annual Inventory of Stocks of Controlled Substances. Each registered pharmacy shall annually, ~~on the same date each~~ within seven (7) days of the prior year's inventory, take an inventory of all stocks of controlled substances on hand, following the general requirements for inventories. ~~(7-1-93)~~( )

a. The annual inventory as required in Section 496 of these rules shall be a written record resulting from a physical (or actual) count of stock on hand or in the control of the pharmacist in charge of a particular pharmacy. (7-1-93)

b. Automated data processing equipment may be used to provide lists of items (products) and to record receipts and issues of various items but not to produce the annual inventory. (7-1-93)

c. The record of inventory shall be kept in the inventory book provided by the Board or in another bound book (not loose leaf) suitable to meet the needs of inventory reports. (7-1-93)

d. Upon completion, the inventory will be dated as of the day taken, indicating whether it was taken at the opening or closing of business and signed by the party that took the inventory. (7-1-93)

05. Separate Inventories for Each Location. A separate inventory shall be made by a registrant for each registered location, such inventory for a registered location shall be kept at the registered location. (7-1-93)

~~***06. Time When Inventory Can Be Taken**. The registrant may take an inventory either as of the opening of business or as of the close of business on the inventory date indicating on the inventory records whether the inventory is taken as of the opening or as of the close of business and the date the inventory is taken. (7-1-93)***~~

0~~7~~6. Inventory Must Be In Written Form. An inventory must be maintained in a written, typewritten or printed form, if taken by use of an oral recording device it must be promptly transcribed. (7-1-93)

0~~8~~7. Maintaining Written Inventory. Such inventory must be maintained on the premises for a minimum of three (3) years. (7-1-93)

0~~9~~8. Additions to Schedules of Controlled Substances. On the effective date of a rule adding a substance to any schedule of controlled substances, which substance was, immediately prior to that date, not listed on any such schedule, every registrant required to keep records who possesses that substance shall take an inventory of all stocks of the substance on hand and thereafter such substance shall be included in each inventory made by the registrant pursuant to Subsection 496.04 of these rules. (7-1-93)

~~1~~09. Maintaining Current List of Each Substance. Each registered pharmacy shall maintain on a current basis a complete list of each substance manufactured, received, ordered, sold, delivered, or otherwise disposed of by him; order forms and other pertinent records in such a manner as to be readily retrievable. (7-1-93)