

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 03, 2015

**TIME:** 9:00 A.M.

**PLACE:** Room EW20

**MEMBERS:** Chairman Wood, Vice Chairman Packer, Representatives Hixon, Perry, Romrell, Vander Woude, Beyeler, Redman, Troy, Rusche, Chew

**ABSENT/  
EXCUSED:** Representative(s) Vander Woude

**GUESTS:** DiAnn Butterfield, ISU Student, BOP Intern.

**Chairman Wood** called the meeting to order at 9:00 a.m.

**MOTION:** **Vice Chairman Packer** made a motion to approve the minutes of the January 26 and January 27, 2015, meetings. **Motion carried by voice vote.**

**H 4:** **Mark Johnston**, Executive Director, Board of Pharmacy (BOP), presented **H 4**, which provides other disciplinary avenues for the BOP beyond suspending or revoking controlled substances (CS) renewal registrations. Stipulated orders and alternative penalties have been used as lesser disciplinary methods. The BOP action does not preclude any licensing board action. The legislation also provides the option of a fine up to \$2,000. The BOP does not need to collect fines to survive.

Other changes reflect CS registration for each administering or dispensing location. The terms dispense, prescribing, and administration have been separately defined and utilized. Other definitions have been updated to conform with the Idaho Pharmacy Act. Statutory term updates were made for consistency. Outdated activities and instructions were removed. Some provisions were moved to flow more consistently.

Answering questions, **Dr. Johnston** said BOP investigators and practitioner licensing boards communicate during the process and the licensing board is notified of any stipulation. The goal is elimination of the activity and the BOP tries to determine the best penalty to reach that goal. The BOP has the ability to recoup costs, which is better done through a fine. This is not seen as a money making opportunity, rather a penalty to stop recurring activity.

All board disciplinary action is published in their newsletter, using initials to identify the individuals, and is sent to other licensing boards. The BOP has an average of \$2M, or one year's budget, in the bank. Renewal fees are bi-annual, so their balance does fluctuate.

For the record, no one indicated their desire to testify.

**MOTION:** **Rep. Perry** made a motion to send **H 4** to the floor with a **DO PASS recommendation. Motion carried by voice vote. Rep. Chew** will sponsor the bill on the floor.

**H 5:** **Mark Johnston**, Executive Director, BOP, presented **H 5**, legislation that waives the fingerprint requirement for reinstatement applicants who have had their license or registration lapse by less than a year. These applicants have already been fingerprinted and waiting the six weeks for processing becomes a burden to pharmacies working shorthanded.

**MOTION:** **Rep. Hixon** made a motion to send **H 5** to the floor with a **DO PASS recommendation.**

For the record, no one indicated their desire to testify.

**VOTE ON MOTION:**

**Chairman Wood** called for a vote on the motion to send **H 5** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

**H 6:**

**Mark Johnston**, Executive Director, BOP, presented **H 6**. This legislation allows electronic transmission of a prescription drug order by a licensed practical or professional nurse in an institutional facility for a patient of that facility to a pharmacy via a secure interoperable information technology system. These systems already exist in hospitals.

Updates include separation of the validity of prescription drug orders sections from those pertaining to transmission of prescription drug orders. The list of specific professionals outside the state has been changed to the term "prescriber," and other terms have been changed for statute consistency.

**Kris Ellis**, Idaho Healthcare Association, testified **in support** of **H 6**. She thanked the BOP for acting quickly on legislative changes brought to them right before the session started.

For the record, no one else indicated their desire to testify.

**MOTION:**

**Rep. Hixon** made a motion to send **H 6** to the floor with a **DO PASS** recommendation.

Responding to a question, **Dr. Johnston** explained a legend drug and prescription drug are the same definition and are used interchangeably.

**VOTE ON MOTION:**

**Chairman Wood** called for a vote on the motion to send **H 6** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Chew** will sponsor the bill on the floor.

**H 7:**

**Mark Johnston**, Executive Director, BOP, presented **H 7**. Release of PMP data is being requested by attorney subpoenas seeking possible information to use in civil law suits, such as custody or divorce. This legislation requires a presiding judge issue any subpoena for PMP data. The Administration Director of the Courts indicated their support of this bill.

**MOTION:**

**Vice Chairman Packer** made a motion to send **H 7** to the floor with a **DO PASS** recommendation.

**Dr. Johnston** stated, in response to questions, the PMP data can be provided to authorized users. Pharmacists and physicians have 24/7 online access. Hospital administrators do not have direct access to the data.

For the record, no one indicated their desire to testify.

**VOTE ON MOTION:**

**Chairman Wood** called for a vote on the motion to send **H 7** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Redman** will sponsor the bill on the floor.

**H 8:**

**Mark Johnston**, Executive Director, BOP, presented **H 8**. The 2013 Drug Quality and Security Act has provisions that become effective at different times over the next decade. The first provision, effective January 1, 2015, preempts states tracking the distribution of prescription drug product. **H 8** strikes the definition of normal distribution channel and several lines that require and regulate pedigrees, which are transaction information statements that accompany certain drug distribution.

Most of the changes align with the Idaho Wholesale Drug Distribution Act. Updates were made to the definitions for compounding and wholesale distribution. The fingerprinting language is changed to match the Idaho prototype. Numbering of all sections has been updated. Additions include an outsourcing facility definition, new exceptions to wholesale distributor licensure, and federal security requirements.

Deletions include certain Veterinary Drug Order (VDO) parameters that exist in other Rules. a cumbersome administrative renewal process, a statutory conflict with Idaho's Public Records Act, and federally preempted language.

Exceptions were made to allow pharmacies to legally distribute prescription drugs under certain circumstances. Other changes describe who can possess drugs without a valid prescription drug order and address grey wholesaling.

**MOTION:** **Rep. Beyeler** made a motion to send **H 8** to the floor with a **DO PASS** recommendation.

For the record, no one indicated their desire to testify.

Answering a question, **Dr. Johnston** explained the California requirement for electronic pedigrees for pharmacy inventory control, which brought about the 2013 Drug Quality and Security Act. This Act mandates everything in the California bill, providing rule making and legislation over the next decade. Although the FDA does a good job, there's a mass counterfeit problem outside of the country.

**VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to send **H 8** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chew** will sponsor the bill on the floor.

**H 9:** **Mark Johnston**, Executive Director, BOP, presented **H 9**. This legislation updates Idaho's CS schedule, pursuant to Drug Enforcement Administration released information. A new prescription depressant, Perampanel, is added to Schedule III. Suvorexant, a new depressant, is added to Schedule IV. Tramado, a narcotic pain reliever, is added to Schedule IV. "Hydrocodone containing products" is moved from Schedule III to Schedule II.

**MOTION:** **Rep. Redman** made a motion to send **H 9** to the floor with a **DO PASS** recommendation.

For the record, no one indicated their desire to testify.

**VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to send **H 9** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Beyeler** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:54 a.m.

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Representative Wood  
Chair

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Irene Moore  
Secretary