

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, January 17, 2019

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

ABSENT/ EXCUSED: Vice Chairman Souza

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Martin** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:03 p.m.

PRESENTATION: **Nicole Chopski**, Chairman of the Idaho Board of Pharmacy, reported recent improvements, including a 55% reduction in word count in their administrative rules and a continued effort to streamline. She also reported that CVS Pharmacy is adding a mail order service that will bring 150 jobs to rural Idaho.

DOCKET NO. 27-0101-1801 **Ms. Chopski** presented **Docket No. 27-0101-1801**, General Provisions. Definitions were changed and augmented. Negotiated Rulemaking was conducted with public meetings and stakeholder engagement.

MOTION: **Senator Heider** moved to approve **Docket No. 27-0101-1801**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 27-0103-1801 **Ms. Chopski** presented **Docket No. 27-0103-1801**, Rules Governing Pharmacy Practice. The rule changes address record keeping for wholesalers; rules for therapy under House Bill 339 (2018); digital image prescriptions; streamlines paperwork to align management structure so that it is consistent with other states, and streamlines personnel.

DISCUSSION: **Senator Jordan** asked what staff were being referenced under the language addressing "limited access for authorized personnel". **Alex Adams**, former Pharmacy Board Executive Director, responded that authorized personnel are not defined by the board; it is left up to the individual pharmacy. **Senator Jordan** had a follow-up question about possible vulnerabilities in managing digital image prescriptions. **Mr. Adams** spoke to so-called lifestyle drugs, controlled substances, and protections in place to deter any attempt to send an image to multiple locations. The use of an image limits cash payment and requires insurance. He added that a patient can still bring a hardcopy prescription to the pharmacy and pay with cash. Mr. Adams informed the Committee that the federal executive branch recently signed law requiring all prescriptions to be transmitted digitally by 2021. Specifically, all Medicare and controlled substance prescriptions will require a physician transmission to the pharmacy. There remains an "opt out" option for those who prefer hardcopy prescriptions only.

MOTION: **Senator Heider** moved to approve **Docket No. 27-0103-1801**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 27-0104-1802 **Ms. Chopski** presented **Docket No. 27-0104-1802**, Rules Governing Pharmacist Prescriptive Authority. This rule amends the prescription of statins. It also allows pharmacists to treat minor illnesses; the only conflict was over the treatment of acne. The Board deferred to the opinion of the Idaho Medical Association, that supported treatment under this rule. **Mr. Adams** testified that the day after the rule went into effect, an international tourist fell ill, without any stateside health insurance, and was successfully treated for a urinary tract infection for only \$20.00. Mr. Adams went on to report that there have been no complaints, and this is an improvement and a good example of market-driven health care.

MOTION: **Senator Harris** moved to approve **Docket No. 27-0104-1802**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 27-0105-1801 **Ms. Chopski** presented **Docket No. 27-0105-1801**, Rules Governing Drug Compounding. This is a is a straightforward, updated chapter to align with federal law.

MOTION: **Senator Lee** moved to approve **Docket No. 27-0105-1801**. **Senator Nelson** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 27-0106-1801 **Ms. Chopski** presented **Docket No. 27-0106-1801**, Rules Governing Durable Medical Equipment (DME), Manufacturing, and Distribution. It is a repeal of Chapter 6; essential content was combined into chapters 1,2, and 3.

MOTION: **Senator Harris** moved to approve **Docket No. 27-0106-1801**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 27-0102-1802 **Ms. Chopski** presented an additional docket not indicated on the agenda: **Docket No. 27-0102-1802**, Rules Governing Licensure and Registration. It is a pending fee rule to eliminate a mandatory law exam and associated cost, shorten the application time, and align with other Idaho health care boards.

MOTION: **Senator Burtenshaw** moved to approve **Docket No. 27-0102-1802**. **Senator Lee** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:25 p.m.

Senator Martin
Chair

Margaret Major
Secretary