

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 10, 2018

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Perry, Vander Woude, Redman, Blanksma, Hanks, Kingsley, Zollinger, Wagoner, Chew, Rubel

**ABSENT/
EXCUSED:** Representative(s) Kingsley

GUESTS: Jen Adams and Paul Cady, ISU; John Sweatlock, Texas Tech.; Marcus Hurst, Bronlim's Pharmacy; Adam Chesler, Cardinal Health; Thomas Vanderhold, WSU/Self; Anthony Provenzano, Albertsons Companies; Tim Frost, Pacific University; Glenn Jefferson, U of I, WWAMI; Andy Snook, Alex Adams, and Misty Lawrence, Board of Pharmacy; Lorri Walmsley, Walgreens; Nicole Fitzgerald, ODP; Carlie Foster, Lobby Idaho; Ken McClure, IMA; Kris Ellis, Eiguren Ellis; Brand H. O.A.R.C.; Dennis Stevenson, Rules Coordinator; Ed Sperry, Board of Pharmacy; Mark Johnston, CVS Health; Pam Eaton, IRA/ISPA; Loretta Hicks, Veritas Advisors

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

MOTION: **Rep. Redman** made a motion to approve the minutes of the January 9, 2018, meeting. **Motion carried by voice vote.**

DOCKET NO. 27-0101-1702: **Alex Adams**, Executive Director, Board of Pharmacy (BOP), presented **Docket No. 27-0101-1702**. This General Provisions Chapter has had definitions updated and two items added to the unprofessional conduct rule.

Mark Johnson, Senior Director, Regulatory Affairs, CVS Health, testified **in support of Docket No. 27-0101-1702** and the additional **Dockets No. 27-0102-1701, 27-0103-1701, 27-0104-1701, 27-0105-1701, 27-0106-1701, and 27-0101-1701**, all of which will protect the public safety while allowing unique solutions to the healthcare issue.

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

MOTION: **Rep. Perry** made a motion to approve **Docket No. 27-0101-1702**. **Motion carried by voice vote.**

DOCKET NO. 27-0102-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0102-1701**. The updates eliminate six licensure categories, transition renewal deadlines to a birth month renewal model, adjust several fees, and provide a budget neutral end result.

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

MOTION: **Vice Chairman Packer** made a motion to approve **Docket No. 27-0102-1701**. **Motion carried by voice vote.**

DOCKET NO. 27-0103-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0103-1701**, which has been modified to focus on the "practice," not "business," of pharmacy. Updates include removal telepharmacy restriction, physician dispensing, return of unused medications, and one-time emergency refills.

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

MOTION: **Rep. Perry** made a motion to approve **Docket No. 27-0103-1701**. **Motion carried by voice vote.**

DOCKET NO. 27-0104-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0104-1701** for prescriptive authority. The added drugs or devices had to meet a four-part litmus test of statute conformation, current prescription in other jurisdictions, peer-review journal studies, and input from other BOPs. The language currently drafted for statins was narrowed to patients actively on a drug for diabetes. If **Docket No. 27-0104-1701** is approved, the BOP would pursue a Temporary Rule to change the verbiage to "statins for patients with diabetes."

Mandated protocol use, linked to clinical guidelines and evidence-based research, would exclude vulnerable populations and complicated diagnoses. Annual inspections and license renewals will include protocol review. Template protocols will be on the BOP website to guide pharmacists. Protocol workshops will also be held.

Answering questions, **Dr. Adams** said the proposed list contains only items meeting the four-part test and brought forward prior to the cutoff date. Suggestions after the cut-off date were set aside so members of the public had a full chance to consider the proposed list.

Discussion followed regarding Urinary Tract Infection (UTI) testing, statins prescribed without a new diagnosis, and diabetes drugs prescribed for reasons other than diabetes.

Nicole Chopski, Chairman, BOP, stated the Temporary Rule will require an actual diabetes diagnosis and be taken up at a meeting before July, 2018.

MOTION: **Rep. Blanksma** made a motion to approve **Docket No. 27-0104-1701**.

Ken McClure, Idaho Medical Association (IMA), testified in opposition to **Docket No. 27-0104-1701**. This Rule goes against the Patient-Centered Medical Home (PCMH) concept. No other state offers this authority to pharmacists and the IMA questions the quality trade off for access. A UTI may also indicate a sexually transmitted disease or cancer. There are also contra-indications for statin use known by the treating physician.

Responding to questions, **Dr. Adams**, clarified coordination of care is important and the board mandated the notification of patients' primary care physician general requirement with allowance for physician complaints.

Dr. Glenn Jefferson, Family Doctor, WWAMI, Lewiston, was invited to answer questions. Statins are generally a safe class of medicines which decrease heart attack risk. Patients may decline taking statins for a variety of reasons. Every patient should have their own provider of care with a pharmacist partnership.

Andy Snook, Deputy Attorney General, Council, Idaho BOP, stated he was unaware of a formal request for the Attorney General's opinion on this Rule.

SUBSTITUTE MOTION: **Rep. Rubel** made a motion to **HOLD Docket No. 27-0104-1701** in committee until an Attorney General's opinion could be received.

Answering further, **Mr. Snook** shared his opinion that the statins and UTIs fall within statute authority.

MOTION WITHDRAWN: After further discussion, **Rep. Rubel** withdrew her substitute motion.

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

VOTE ON MOTION: **Motion carried by voice vote.**

DOCKET NO. 27-0105-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0105-1701** for drug compounding. There is only a typographical correction in this Rule.

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

MOTION: **Vice Chairman Packer** made a motion to approve **Docket No. 27-0105-1701. Motion carried by voice vote.**

DOCKET NO. 27-0106-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0106-1701**, with one change to align with the changes to over-the-counter sales at gas stations.

For the record, no one indicated their desire to testify

MOTION: **Rep. Blanksma** made a motion to approve **Docket No. 27-0106-1701. Motion carried by voice vote.**

DOCKET NO. 27-0101-1701: **Alex Adams**, Executive Director, BOP, presented **Docket No. 27-0101-1701** to repeal the original, combined Rule.

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

MOTION: **Rep. Chew** made a motion to approve **Docket No. 27-0101-1701. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:45 a.m.

Representative Wood
Chair

Irene Moore
Secretary