



---

# IDAHO DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

---

*newsletter to promote pharmacy and drug law compliance*

## **2023 Summary of Pending Statute and Administrative Rule Changes**

The Idaho Division of Occupational and Professional Licenses (DOPL), on behalf of the Idaho State Board of Pharmacy, introduced legislation that, if passed, would result in substantive changes to the Idaho Code in the **Uniform Controlled Substances Act**, which is anticipated to become effective on July 1, 2023.

- **House Bill 4 – Idaho State Legislature**

This bill reflects the Board’s decision to place restrictions on several controlled substances (CS), including placing synthetic opioids in Schedule I, a substance to treat insomnia in Schedule IV, and an anticonvulsant substance in Schedule V.

Traditionally, the administrative rules are reauthorized at the conclusion of the legislative session. However, the 2022 legislative session ended without the reauthorization of fee rules taking place. Under the authority of the governor, the rules were then reprinted as both temporary and proposed to ensure that existing administrative rules remained in effect.

- The rules approved by the Board and sent to the 2023 Legislature as pending were posted in **Volume 22-12 – December 2022 Idaho Administrative Bulletin**. The rule changes are anticipated to become effective on sine die (when the legislature adjourns), which is expected to be the end of March.

**National Pharmacy Compliance News**  
A Service of the National Association of Boards of Pharmacy Foundation (NABPF)

Visit NABP’s website for the latest regulatory updates and news from FDA, USP, NABP, and more.

**[Read National News](#)**

Highlights of the changes include:

- Streamlined definitions and removal of terms no longer needed in rule following the passage of Senate Bill 1245 in the 2022 legislative session, which moved well-established definitions to statute.
- Modification of Rule 350, removing prescribing limitations and exemptions.

### ***Idaho Telehealth Access Act COVID-19 Guidance Updated***

This guidance was first issued on September 9, 2021, and renewed March 15, 2022, August 1, 2022, and again for the final time on January 5, 2023.

The state of Idaho is under a federal declaration of emergency due to the ongoing occurrence and imminent threat to public health and safety arising from the effects of the coronavirus disease 2019 (COVID-19) pandemic. Pursuant to the emergency, DOPL will assist the current status of health care professional capacity by exercising enforcement discretion to provisions of the Telehealth Access Act to restore allowances from 2020. Any United States health care professional may provide telehealth services in or into Idaho, so long as the health care professional is licensed or registered and in good standing with another state or jurisdiction and acting in good faith.

A health care professional providing telehealth services in or into Idaho will consider the following provisions prior to providing patient care:

- must be licensed or registered in any US state or jurisdiction and in good standing with no active or pending disciplinary action;
- must act in good faith, exercise reasonable care, and follow applicable federal regulations;
- must possess the necessary education, training, and experience for the services being provided; and
- must use sufficient technology to establish a patient-provider relationship for the services being provided.

The Division enforcement discretion is in place until April 1, 2023. To ensure continuity of patient care after the waiver ends, health care professionals providing telehealth services should pursue Idaho licensure or prepare a transition plan for patient care.

### ***Announcement and Reminder: Prescription Drug Monitoring Program***

Please be advised that on January 28, 2023, the use of Internet Explorer 11 browser to access the Prescription Monitoring Program (PMP) AWARe site was discontinued. Users need to use a manufacturer-supported/recommended version of Chrome, Firefox, Safari, or Microsoft Edge. For questions, please reach out via email at [PDMP@dopl.idaho.gov](mailto:PDMP@dopl.idaho.gov) or call 208/605-4703.

**Reminder:** Board Rule [IDAPA 24.36.01.600](#) states, “Specified data on controlled substances must be reported **by the end of the next business day by all drug outlets** that dispense controlled substances in or into Idaho and prescribers that dispense controlled substances to humans” (emphasis added). This rule requires all pharmacies licensed with the Board to submit CS data to the Idaho PMP on a **daily basis**. Remember to include the prescription’s “date sold.” Zero reports may still be reported on a weekly basis.

Reporting is done through the PMP Clearinghouse. A data submission guide with information on the reporting format, required data elements, and registering with the PMP Clearinghouse can be found on the Board’s website by clicking on “Idaho PDMP” or by contacting Wendy Muir, PDMP information coordinator, at [wendy.muir@dopl.idaho.gov](mailto:wendy.muir@dopl.idaho.gov). While the rule has been in effect since March 2017, not all entities have been 100% compliant. Dispensers not reporting are in violation and may be subject to disciplinary action.

### ***Idaho to License Virtual Wholesalers That Operate in and Into Idaho***

Virtual wholesale distributors are business entities that coordinate the distribution of drugs or drug devices; however, they do not take physical ownership during the process. The distributor contracts with other distributors or third-party logistics entities to facilitate transfer, storage, and/or delivery to the final entity (pharmacy, hospital, etc).

While the Board has not previously licensed virtual wholesalers, it has the statutory authority to do so under [Idaho Code 54-1729](#), which states that any entity engaging in the practice of pharmacy is required to be licensed by the Board. While virtual wholesalers never take physical possession, they are responsible for records and ensuring the integrity of the chain of custody.

Applications will be available by April 1, 2023. For information about the application or process, contact Licensing and Registration Manager Stephanie Lotridge at [stephanie.lotridge@dopl.idaho.gov](mailto:stephanie.lotridge@dopl.idaho.gov) or call 208/577-2639.

### ***Enforcement of Mandatory Checking of the PDMP to Begin April 1, 2023***

The prescription drug monitoring program (PDMP) is a tool for health care prescribers and dispensers to review patients’ CS prescription histories to inform their prescribing/dispensing decisions. However, a PDMP is only useful to practitioners if they check the system before prescribing or dispensing.

[Idaho Code 37-2722](#) mandates that prescribers check the PDMP. This law went into effect on October 1, 2020. When this law was passed, the drafters of the bill made clear that enforcement was initially to be educational in nature. Beyond a suitable period, enforcement could be a collaborative effort by the Board and the respective licensing boards. The period for enforcement discretion ends March 31, 2023, after which those who are not checking the PDMP prior to prescribing CS are in violation of the law.

The law requires that “prior to issuing to a patient a prescription for outpatient use for an opioid analgesic or benzodiazepine listed in schedule II, III, or IV, the prescriber or the prescriber’s delegate shall review the patient’s prescription drug history for the preceding twelve (12) months from the prescription drug monitoring program and evaluate the data for indicators of prescription drug diversion or misuse.” See [Idaho Code 37-2722\(f\)](#). The PDMP tracks each inquiry it receives (whether by the provider or their delegate). Compliance can be determined using this information. Idaho has instituted Statewide Gateway integration to make PDMPs easier to use and more convenient to access. Integration into electronic health record (EHR) systems helps streamline the process. The integration eliminates the need for providers to log in separately to the PDMP website. Instead, providers initiate a patient query to the PDMP through the patient’s EHR, and the patient’s CS prescription records are returned directly within the EHR. This empowers clinicians at the point of care with information that can help them make better-informed prescribing decisions. Though integration is not mandatory, it is highly encouraged, and funds are available for providers or facilities. To explore PDMP integration into your EHR or Pharmacy Management System, review the [Gateway Integration Welcome Packet](#). Then, visit <https://connect.bamboohealth.com> and select “Create an Account” to begin. Interfaces already exist for more than 130 software programs. Questions relating to mandatory checking or Statewide Gateway can be emailed to [pdmp@dopl.idaho.gov](mailto:pdmp@dopl.idaho.gov).

### ***Board Executive Officer Awarded the Judy Smetzer Just Culture Champion Scholarship***

On behalf of the Board, Dr Nicki Chopski, executive officer, was honored to be selected to receive the Judy Smetzer Just Culture Champion Scholarship!

The Board began its journey into the tenants of “just culture” in 2017, when it moved toward the use of corrective action plans as a means of informal discipline to get licensees and registrants to evaluate their operations in search of meaningful improvement in patient safety and quality. The Board took its desire to further explore the principles of a culture of safety to the national level when it brought forth a resolution at the 2020 National Association of Boards of Pharmacy® (NABP®)/American Association of Colleges of Pharmacy Districts 6, 7, and 8 meeting. The resolution garnered not only the support of its District 7 members, but also from the boards that are members of Districts 6 and 8. The resolution went on to pass at the 2021 NABP Annual Meeting, and a task force was formed. Idaho was proud to have two members selected to serve in roles on that task force committee. The task force report is available [here](#).

The Institute for Safe Medication Practices (ISMP), in cooperation with the Just Culture Company, has awarded three scholarships for a 15-hour just culture certification course, along with access to supplemental learning software and materials. These scholarships are awarded in honor of Judy Smetzer, RN, FISMP, former vice president at ISMP, who retired in 2022. The Board, represented by Dr Chopski, was selected out of more than 100 applicants to receive the honor. Visit [ISMP Announces First Just Culture Scholarship Recipients](#) for the press release.

## Board Sets 2023 Meeting Schedule

The Board will meet quarterly on the following dates:

- June 8
- September 7
- December 7

All meetings start at 8:30 AM and are held at the Division of Occupational and Professional Licenses, 11341 W Chinden Blvd, Boise, ID 83714. Meetings may also be attended virtually. See meeting agenda for the link to attend virtually at <https://dopl.idaho.gov/calendar>.



## Special Notice

The *Idaho State Board of Pharmacy Newsletter* is considered an official method of notification to pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and CS registrants licensed and/or registered by the Board. Please read it carefully.

---

*The Idaho State Board of Pharmacy News is published by the Idaho State Board of Pharmacy and the National Association of Boards of Pharmacy Foundation® (NABPF®) to promote compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of NABPF or the Board unless expressly so stated.*

*Nicki Chopski, PharmD, ANP - State News Editor*

*Lemrey "Al" Carter, PharmD, MS, RPh - National News Editor & Executive Editor*

*Megan Pellegrini - Publications and Editorial Manager*

---

**11341 W Chinden Blvd, Building #4 | Boise, ID 83714**