



**IDAHO** DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

*newsletter to promote pharmacy and drug law compliance*

**2023 Legislative Update**

The 2023 legislative session adjourned sine die. The pending Idaho State Board of Pharmacy Rules were approved and became effective March 28, 2023. Please take time to review the rules at [IDAPA 24 – Division of Occupational and Professional Licenses \(DOPL\) – Rules of the Idaho Board of Pharmacy](#).

**2023 Legislative Update for Statutes**

Bill #/Topic	Statement of Purpose	Effective
H0004 – Controlled Substances	The Board administers the regulatory provisions of the state’s Uniform Controlled Substances Act. This bill mirrors the federal Drug Enforcement Administration controlled substance scheduling decisions for 2022, including placing synthetic opioids in Schedule I, a substance to treat insomnia in Schedule IV, and an anticonvulsant substance in Schedule V.	July 1, 2023
H0061 – Mental, Behavioral Telehealth	This legislation seeks to amend Chapter 57, Title 54, Idaho Code by adding a new section to provide for interstate mental and behavioral telehealth.	July 1, 2023
H0074 – Universal Licensure	Consistent with the governor’s Occupational Licensing Reform Act, the legislation creates a universal work recognition licensure pathway for individuals with four years of work experience in the military, another state, district, or territory of the United States that does not require a license to regulate that person’s profession or occupation but for which Idaho uses a license to regulate a profession or occupation. The bill removes outdated methods of establishing competency for licensure and clarifies that a board or commission decision related to a criminal conviction must be relevant to the occupation and license requested.	July 1, 2023

<p><b>H0162 – Virtual Health Care</b></p>	<p>The legislation expands the ability of Idaho citizens in rural and underserved areas to access health care from providers who are not physically present in a patient’s geographical area. The legislation updates the Idaho Telehealth Access Care Act in Title 54, Chapter 57, Idaho Code by changing the term “telehealth” to “virtual care,” and clarifies virtual care practice requirements. This legislation also provides a permanent solution to lessons learned through the coronavirus disease 2019, related to technology limitations and best practice interstate licensure exemptions for qualified providers licensed and in good standing in another state to provide continuity of patient care.</p>	<p>July 1, 2023</p>
<p><b>H0291 – Fair Pharmacy Audit Act</b></p>	<p>The purpose of this legislation is to establish minimum uniform standards and criteria for the audit of pharmacy records by or on behalf of pharmacy benefit managers (PBMs) and other authorized entities.</p>	<p>July 1, 2023</p>
<p><b>H0215 – PBMs, Requirements, Insurance Debt</b></p>	<p>In 2020, legislation was passed – H386 – adding Title 41-349 to Idaho statute regarding PBMs. This legislation adds language to clarify and outline the enforcement authority of that section of law by the Department of Insurance.</p>	<p>July 1, 2023</p>

### **Guidance for Lifestyle Injectable Treatments**

The following [guidance document](#) is meant to assist professionally licensed health care providers in determining whether they may administer lifestyle injectable treatments such as Botox® or intravenous hydration, or if they may serve as a “medical director” for a business administering such treatments. The guidance document is broken into three sections: Authority, Standard of Care, and Delegation. It is recommended that practitioners consider each question in sequence.

#### **Authority to Prescribe, Order, or Administer**

Are you a health care provider licensed in the state of Idaho?

Does your applicable practice act and administrative rules adopted by your licensing board allow you to administer medications or blood products or agents?

Is the administration of the specific injectable treatment prohibited by your applicable practice act or administrative rules?



Does your applicable practice act and administrative rules require you to personally complete the initial assessment of the prospective client? If yes, have you completed that initial assessment?

Does the treatment you are providing require a valid prescription drug order? If yes, does the applicable practice act and administrative rules grant you prescriptive authority?

Does your applicable practice act and administrative rules permit ordering, obtaining, possessing, or storing prescription medications and agents?

### ***Idaho Community Standard of Care***

Is performing the treatment consistent with the accepted and prevailing Idaho community standard of care required by your applicable practice act or rules adopted by your licensing board?

Do you have the necessary education, training, and experience to safely perform the treatment?

Is there evidence of your current competence – knowledge, skills, abilities, and judgments – to safely perform the treatment?

Would a reasonable and prudent professional holding the same license as the licensee perform or delegate this treatment in this setting?

### ***Delegation and Supervision of Administration***

Will you personally perform the specific treatment, or will you delegate performance of the treatments to others?

Does your applicable practice act and administrative rules adopted by your licensing board allow you to delegate the administration of medications?

Does your applicable practice act and administrative rules adopted by your licensing board require your delegate to be licensed, certified, and/or registered in the state of Idaho?

If you intend to delegate performance of the treatments, are you able to provide the level of supervision required by your applicable practice act, administrative rules of your licensing board, and the prevailing community standards of care?

Have you considered putting in place a valid standing order or collaborative practice agreement for the administration of medications?

Are you prepared to accept legal and financial liability for the outcome of the treatment, including liability for the actions of a delegate?

### ***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](#)**

## Best Practices

Licensees providing injectable treatments should consider implementing emergency protocols, and policies and procedures to support performing the treatment, including access to all appropriate resources to perform the treatment in the proposed practice setting.

## Relevant Law and Rule Resources

<https://legislature.idaho.gov/statutesrules/idstat/Title54/>

<https://adminrules.idaho.gov/rules/current/24/index.html#20>

## Answers to Frequently Asked Expedited Partner Therapy Question

The Board has received several inquiries related to how prescriptions should be written and filled as it relates to partner therapy for an infectious disease. The statutes provide that prescriptions should be filled separately for the patient from the partner(s). The pharmacy can get the names of the partner(s) from the patient. Please refer to Idaho Code and IDAPA rules:

Section 54-1733 – Idaho Code

Validity of Prescription Drug Orders.

(1) A prescription drug order for a legend drug is valid only if it is issued by a prescriber for a legitimate medical purpose arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses, if applicable, and identify underlying conditions and/or contraindications to the treatment.

(2) A prescriber who is otherwise authorized to perform any of the activities listed in this section may prescribe or perform any of the following activities for a patient with whom the prescriber does not have a prescriber-patient relationship under the following circumstances:

- (a) Writing initial admission orders for a newly hospitalized patient;
- (b) Writing a prescription drug order for a patient of another prescriber for whom the prescriber is taking call;
- (c) Writing a prescription drug order for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship;
- (d) Writing a prescription drug order for a medication on a short-term basis for a new patient prior to the patient's first appointment;
- (e) Writing a prescription for an opioid antagonist pursuant to section 54-1733B, Idaho Code;
- (f) In emergency situations where the life or health of the patient is in imminent danger;
- (g) In emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;

(h) Epinephrine auto-injectors in the name of a school pursuant to section 33-520A, Idaho Code; and

**(i) If a prescriber makes a diagnosis of an infectious disease in a patient, prescribe or dispense antimicrobials to an individual who has been exposed to the infectious person in accordance with clinical guidelines. (emphasis added)**

Further in rule:

IDAPA 24.36.01.403. Filling Prescription Drug Orders: Adaptation.

A pharmacist may adapt drugs as specified in this rule.

01. Change Quantity. A pharmacist may change the quantity of medication prescribed if:

- a. The prescribed quantity or package size is not commercially available;
- b. The change in quantity is related to a change in dosage form, strength, or therapeutic interchange;
- c. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or
- d. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program.

02. Change Dosage Form. A pharmacist may change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed.

**03. Complete Missing Information. A pharmacist may complete missing information on a prescription if there is evidence to support the change. (emphasis added)**

04. Documentation. The adaption must be documented in the patient's record.

IDAPA 24.36.01.406. Labeling Standards. All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation.

**01. Standard Prescription Drug. A prescription drug for outpatient dispensing must be labeled in accordance with federal law. (emphasis added)**

## ***Board of Pharmacy Launches New Website***

As the Idaho DOPL continues to move forward as one agency representing 49 boards and commissions, all individual board websites are being updated. The new look provides consistency across the Division and ease of use. Check out the new website at [www.bop.idaho.gov](http://www.bop.idaho.gov). The Board welcomes feedback from all licensees and registrants.

## Health Professional Recovery Program

Are you working long hours and feeling burned out?

Do you feel yourself going down the wrong path?

Are you ready to make changes?

You can choose the direction you are going and get help with substance use or mental health.

DOPL offers a confidential, nonpunitive program. This program was created to assist medical professionals (doctors, nurses, dentists, pharmacists, etc) who have or are at risk of developing an addiction. The program's purpose is to assist professionals and their families to identify substance use disorders that pose a potential threat to their careers and get them the help they need.

If you answered yes to any of the questions above, let us help you preserve your license and get you on the road to recovery. For further information about this program, contact Katie Stuart.

Program Manager: Katie Stuart, CIP

Phone: 208/577-2489

Email: [Katie.Stuart@dopl.idaho.gov](mailto:Katie.Stuart@dopl.idaho.gov)

Website: [Welcome to Division of Occupational and Professional Licenses \(idaho.gov\)](http://Welcome to Division of Occupational and Professional Licenses (idaho.gov))



---

*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**