

**IDAPA 27 – BOARD OF PHARMACY**

**27.01.01 – GENERAL PROVISIONS**

**DOCKET NO. 27-0101-1801**

**NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows:

**PUBLIC (LIVE) NEGOTIATED MEETING**

**Thursday, August 2, 2018  
1:00 pm (MDT)**

**Idaho State Capitol Building  
Room WW53  
700 W. Jefferson  
Boise, Idaho 83702**

**VIA TELECONFERENCE CALL-IN**

**Thursday, August 30, 2018  
8:00 am (MDT)**

**Dial-in: 1-877-820-7831  
Passcode: 381637**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Over the past two years, the Board of Pharmacy has engaged in strategic efforts to promote regulatory reform and reduce obstacles to licensure and practice. Last year, the Board of Pharmacy cut 55% of its rules by word count, 62% of restrictions, and eliminated 6 categories of licensure.

This year, the Board intends to continue with these efforts. In particular, the Board intends to eliminate IDAPA 27.01.06, Rules Governing DME, Manufacturing, and Distribution, as much of the chapter needlessly duplicates other state laws. The Board will carefully extract the few rules from the chapter that are needed to protect public health, and add them to other Board chapters as appropriate. To IDAPA 27.01.01, the Board intends to add a definition for “DME Outlet,” remove the definition for “MPJE,” add distributing to the section of unprofessional conduct regarding misbranded or adulterated products, and make some minor corrections.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH  
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Board of Pharmacy  
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