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**IDAPA 27
TITLE 01
CHAPTER 02**

27.01.02 – RULES GOVERNING LICENSURE AND REGISTRATION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of the Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; the Idaho Pharmacy Act, the Idaho Wholesale Drug Distribution Act, and the Idaho Legend Drug Donation Act, Title 54, Chapter 17, Idaho Code; and specifically pursuant to Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, and 54-1763, Idaho Code. (7-1-18)

001. TITLE AND SCOPE.

In addition to the General Provisions set forth in IDAPA 27.01.01, “General Provisions,” the following title and scope shall apply to these rules: (7-1-18)

01. Title. The title of this chapter is “Rules Governing Licensure and Registration,” IDAPA 27, Title 01, Chapter 02. (7-1-18)

02. Scope. The scope of this chapter includes, but is not limited to, provision for, and clarification of, the Board’s assigned responsibility to license individuals and facilities engaged in the practice of pharmacy in or into Idaho, including pharmacists, technicians, pharmacist interns, practitioners, and drug outlets. (7-1-18)

002. WRITTEN INTERPRETATIONS.

In accordance with Title 67, Chapter 52, Idaho Code, this agency may have written statements that pertain to the interpretation of, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Board of Pharmacy office. (7-1-18)

003. ADMINISTRATIVE PROCEEDINGS AND APPEALS.

Administrative proceedings and appeals are administered by the Board in accordance with the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01, Subchapter B -- Contested Cases, Rules 100 through 800. (7-1-18)

01. Place and Time for Filing. Documents in rulemakings or contested cases must be filed with the executive director of the Board at the Board office between the hours of 8 a.m. and 5 p.m., Mountain Time, Monday through Friday, excluding state holidays. (7-1-18)

02. Manner of Filing. One (1) original of each document is sufficient for filing; however, the person or officer presiding over a particular rulemaking or contested case proceeding may require the filing of additional copies. A document may be filed with the Board by e-mail or fax if legible, complete, and received during the Board’s office hours. The filing party is responsible for verifying with Board staff that an e-mail or fax was successfully and legibly received. (7-1-18)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (7-1-18)

005. BOARD OFFICE INFORMATION.

01. Street Address. The office is located at 1199 Shoreline Lane, Suite 303, Boise, Idaho. (7-1-18)

02. Mailing Address. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0067. (7-1-18)

03. Telephone Number. The telephone number is (208) 334-2356. (7-1-18)

04. Fax Number. The fax number is (208) 334-3536. (7-1-18)

05. Electronic Address. The website address is <https://bop.idaho.gov>. (7-1-18)

06. Office Hours. The office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, excluding state holidays. (7-1-18)

006. PUBLIC RECORDS ACT COMPLIANCE.

Board of Pharmacy records and filings are subject to compliance with the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (7-1-18)

007. OFFICIAL BOARD JOURNAL.

The official journal of the Board is the electronic Idaho State Board of Pharmacy Newsletter. A link to recent versions of the newsletter is posted on the Board's website. Board licensees and registrants are presumed to have knowledge of the contents of the newsletter on the date of publication. The newsletter may be used in administrative hearings as proof of notification. (7-1-18)

008. – 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the definitions and abbreviations found at IDAPA 27.01.01.010 through 012 are applicable to these rules. (7-1-18)

011. – 019. (RESERVED)

020. BOARD OF PHARMACY LICENSURE AND REGISTRATION.

The Board will issue or renew a license or certificate of registration upon application and determination that the applicant has satisfied the requirements of the Idaho Pharmacy Act, Idaho Controlled Substances Act, and any additional criteria specified by these rules for the license or registration classification. Licenses or registrations required by state or federal law, or both, must be obtained prior to engaging in these practices or their supportive functions, except that the Board may suspend such requirements for the duration of a national, state or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, for individuals engaged in the scope of practice for which they are licensed in another state. (7-1-18)

021. LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

01. Board Forms. Initial licensure and registration applications, annual renewal applications, and other forms used for licensure, registration, or other purposes must be in such form as designated by the Board. (7-1-18)

02. Incomplete Applications. Information requested on the application or other form must be provided and submitted to the Board office with the applicable fee or the submission will be considered incomplete and will not be processed. Applications that remain incomplete after six (6) months from the date of initial submission will expire. (7-1-18)

03. On-Time Annual Renewal Application. Licenses and registrations must be renewed annually to remain valid. Applications for renewal must be completed and submitted to the Board office prior to the license or registration expiration. Timely submission of the renewal application is the responsibility of each licensee or registrant. Licenses and certificates of registration issued to individuals will expire annually on the last day of the individual's birth month, and on December 31 for facilities, unless an alternate expiration term or date is stated in these rules. (7-1-18)

04. Late Renewal Application. Failure to submit a renewal application prior to the expiration date will cause the license or registration to lapse and will result in the assessment of a late fee and possible disciplinary action. A lapsed license or registration is invalid until renewal is approved by the Board and if not renewed within thirty (30) days after its expiration will require reinstatement. (7-1-18)

05. Exemption. New licenses and registrations issued ten (10) weeks or less prior to the renewal due date are exempt from the renewal requirements that year only. (7-1-18)

06. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration. (7-1-18)

07. Reinstatement of License or Registration. Unless otherwise specified in Board rule, consideration of a request for reinstatement of a license or registration will require a completed application on a Board form, submission of a completed fingerprint card, as applicable, and payment of any applicable fees due or delinquent at the time reinstatement is requested. (7-1-18)

08. Parent or Legal Guardian Consent. No person under the age of eighteen (18), unless an emancipated minor, may submit an application for licensure or registration without first providing the Board with written consent from a parent or legal guardian. (7-1-18)

022. BOARD FEES.

01. Fee Determination and Collection. Pursuant to the authority and limitations established by Sections 37-2715 and 54-1720(5)(a), Idaho Code, the Board has determined and will collect fees for the issuance, annual renewal, or reinstatement of licenses and certificates of registration to persons and drug outlets engaged in acts or practices regulated by the Board. The Board may also charge reasonable fees for specified administrative services or publications. (7-1-18)

02. Time and Method of Payment. Fees are due and must be paid by cash, credit card, or by personal, certified, or cashier's check or money order payable to the "Idaho State Board of Pharmacy" at the time of application, submission, or request. Fees are nonrefundable and will not be prorated, except for the limited purpose of transitioning to the new renewal deadlines established by these rules. (7-1-18)

03. Fee for Dishonored Payment. A reasonable administrative fee may be charged for a dishonored check or other form of payment. If a license or registration application has been approved or renewed by the Board and payment is subsequently dishonored, the approval or renewal is immediately canceled on the basis of the submission of an incomplete application. The board may require subsequent payments to be made by cashier's check, money order, or other form of guaranteed funds. (7-1-18)

04. Overpayment of Fees. "Overpayment" refers to the payment of any fee in excess of the listed amount. Refunds issued will be reduced by a reasonable processing fee. (7-1-18)

05. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to controlled substance registrations issued by the DEA are also exempt from fees applicable to controlled substance registrations issued by the Board. (7-1-18)

023. FEE SCHEDULE.

01. Licenses and Registrations -- Professionals.

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident Pharmacist Registration	\$290	\$290
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

(7-1-18)T

02. Certificates of Registration and Licensure -- Facilities.

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150
Veterinary Drug Outlet	\$35	\$35

(7-1-18)

03. Late Fees and Reinstatements.

Category	Fee
Late payment processing fee	\$50
License or registration reinstatement fee	One-half (1/2) of the amount of the annual renewal

(7-1-18)

04. Administrative Services.

Category	Fee
Experiential hours certification	\$25
Duplicate pharmacist certificate of licensure	\$35

(7-1-18)

024. -- 029. (RESERVED)

030. DETERMINATION OF NEED FOR PHARMACIST LICENSE, NONRESIDENT REGISTRATION, OR NEITHER.

01. Practice in Idaho. All pharmacists practicing pharmacy in the state of Idaho must be licensed according to the Board's laws. (7-1-18)

02. Nonresident Pharmacists. All nonresident pharmacists practicing pharmacy into the state of Idaho must be licensed in their state of practice and must additionally be licensed or registered in Idaho as follows: (7-1-18)

a. Independent Practice. Pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. (7-1-18)

b. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be licensed or registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. (7-1-18)

03. Exemption from Separate Controlled Substance Registration. All pharmacists who are practicing in or into Idaho are exempt from obtaining a separate controlled substance registration, but must maintain compliance with all requirements under Title 37, Chapter 27, Idaho Code. (7-1-18)

031. PHARMACIST LICENSURE BY EXAMINATION.

To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, and submit to the Board an application for licensure by examination. (7-1-18)

01. Graduates of U.S. Pharmacy Schools. An applicant must be a graduate of an ACPE-accredited school or college of pharmacy within the United States. (7-1-18)

02. Graduates of Foreign Pharmacy Schools. An applicant who is a graduate of a school or college of pharmacy located outside of the United States must submit certification by the FPGEAC, and verification of completion of a minimum of seventeen hundred forty (1,740) experiential hours. An Idaho State Board of Pharmacy Employer's Affidavit certifying the experiential hours of a foreign pharmacy graduate must be signed by a pharmacist licensed and practicing in the United States and submitted to the Board. The Board may also request verifiable business records to document the hours. (7-1-18)

03. Licensure Examinations. Qualified applicants must pass the NAPLEX and the MPJE in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total attempts to pass each exam. (7-1-18)

032. PHARMACIST LICENSURE BY RECIPROCITY.

An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and this rule to obtain an Idaho license. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. (7-1-18)

01. Transfer Application. The applicant must submit a preliminary application for licensure transfer through NABP. (7-1-18)

02. MPJE. The applicant must pass the Idaho-based MPJE within five (5) total attempts. (7-1-18)

03. Intern Hours. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may also be required to complete intern hours for each year away from the practice of pharmacy. (7-1-18)

033. PHARMACIST LICENSE RENEWAL: CPE REQUIREMENTS.

Each pharmacist applicant for license renewal must complete fifteen (15) CPE hours each calendar year between January 1 and December 31. (7-1-18)

01. ACPE. At least twelve (12) of the CPE hours obtained must be from programs by an ACPE that have a participant designation of "P" (for pharmacist) as the suffix of the ACPE universal program number. ACPE credits must be reported to and documented in CPE Monitor in order to be accepted. (7-1-18)

02. CME. A maximum of three (3) of the hours may be obtained from CME, if the credits are: (7-1-18)

a. Obtained from an ACCME accredited provider; and (7-1-18)

b. A certificate is furnished that identifies the name of the ACCME accredited provider and a clear reference to its accreditation status, the title of the CME program, the completed hours of instruction, the date of completion, and the name of the individual obtaining the credit. All CME certificates must be submitted to the Board between December 1 and December 31. (7-1-18)

034. PHARMACIST LICENSE: REINSTATEMENT.

The Board may, at its discretion, consider reinstatement of a pharmacist license upon receipt of a completed application, background check, and payment of the reinstatement and other fees due or delinquent at the time reinstatement is requested. (7-1-18)

01. Satisfactory Evidence. Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) CPE hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. (7-1-18)

02. Additional Requirements. A pharmacist reinstatement applicant may be required to appear before the Board. If a pharmacist license has lapsed for more than twenty-four (24) months, the applicant must pass the MPJE prior to returning to practice. The Board may also, at its discretion, impose additional requirements on a pharmacist reinstatement applicant who has not practiced as a pharmacist for the preceding twelve (12) months or longer that may include taking and passing an examination, completion of intern hours, completion of additional CPE hours, or other requirements determined necessary to acquire or demonstrate professional competency. (7-1-18)

035. NONRESIDENT PHARMACIST REGISTRATION TO PRACTICE PHARMACY INTO IDAHO.
To be registered to practice pharmacy into Idaho an applicant must submit an application on a Board form including, but not limited to: (7-1-18)

01. Individual License Information. Current pharmacist licensure information in all other states, including each state of licensure and each license number; (7-1-18)

02. Facility License Information. The license or registration number of the facility for which the applicant will be practicing. (7-1-18)

036. PHARMACIST INTERN REGISTRATION.

01. Registration Requirements. To be approved for and maintain registration as a pharmacist intern, the applicant must: (7-1-18)

a. Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or (7-1-18)

b. Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or (7-1-18)

c. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting examination for pharmacist licensure or obtaining practical experience as required under Board rule. (7-1-18)

02. Renewal. (7-1-18)

a. Current Students. A pharmacist intern registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. (7-1-18)

b. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. (7-1-18)

037. – 039. (RESERVED)

040. CERTIFIED TECHNICIAN REGISTRATION.
To be approved for registration as a certified technician, a person must satisfy the following requirements: (7-1-18)

01. Age. Be at least sixteen (16) years of age; (7-1-18)

02. Education. Be a high school graduate or the recipient of a high school equivalency diploma; (7-1-18)

03. Personal Characteristics. Be of good moral character and temperate habits; and (7-1-18)

04. Certification. Have obtained and maintained certified pharmacy technician (CPhT) status through the Pharmacy Technician Certification Board (PTCB), the National Healthcareer Association (NHA), or their successors. (7-1-18)

041. TECHNICIAN-IN-TRAINING REGISTRATION.

01. Applying for Registration. A person who has not obtained or maintained technician certification may apply for registration as a technician-in-training if the person satisfies all other requirements for registration as a certified technician. (7-1-18)

02. Duration. An individual may register as a technician-in-training for a maximum of two (2) years from the date of issuance. (7-1-18)

042. STUDENT TECHNICIAN.

01. Registration Requirements. To be approved for registration as a student technician, an applicant must be at least sixteen (16) years of age, currently enrolled and in good standing in a high school or college supervised program, and not meet the requirement for registration as a technician-in-training or certified technician. (7-1-18)

02. Exemption from Criminal Background Check. Student technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. (7-1-18)

03. Renewal. A student technician registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in a technician training program. (7-1-18)

043. TECHNICIAN EXEMPTIONS.

01. Certification Exemption for Continuous Employment. A technician registered with the Board and employed as a technician on June 30, 2009, is not required to obtain or maintain certification as a condition of registration renewal after June 30, 2009, as long as the registrant remains continuously employed as a technician by the same employer. If a registrant that qualifies for this exemption disrupts continuous employment as a technician with one employer, or if any change of ownership occurs at the technician's place of employment, the technician registration will become invalid. (7-1-18)

02. Duration Exemption. The Board's executive director may grant a brief extension of duration of registration for a technician-in-training or a student technician for the purposes of employment continuity in the instance in which a technician is awaiting the completion of a requirement necessary to become a certified technician. No waiver may be granted in the instance in which the individual delayed sitting for the certification exam that the applicant was otherwise qualified to sit for. (7-1-18)

044. PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.

Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration. (7-1-18)

01. State License. An applicant must hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. (7-1-18)

02. DEA Registration. An applicant must also hold a valid federal DEA registration, if required under federal law. (7-1-18)

045. -- 049. (RESERVED)

050. DRUG OUTLET LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (7-1-18)

01. New Drug Outlet Inspections. Prior to approving the issuance of a new license or registration, each drug outlet may be inspected to confirm that the facility is appropriately equipped and has implemented proper procedures and minimum standards necessary for compliance with applicable law. Prescription drugs may not be delivered to a new drug outlet location prior to satisfactory completion of a requisite opening inspection. A change of ownership of a currently registered pharmacy will not require an onsite inspection prior to issuance of a new pharmacy registration unless a structural remodel occurs. (7-1-18)

02. License and Registration Transferability. Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. If the ownership or location of an outlet changes, any registration or license issued to it by the Board is void. (7-1-18)

03. Temporary Licenses. (7-1-18)

a. Temporary Pharmacy License Number Issued Prior to Operation. Upon request on a Board form, the Board may issue a temporary pharmacy license number prior to the pharmacy being open for business provided that the proposed location is in Idaho and has designated a PIC. (7-1-18)

b. Temporary Drug Outlet Facilities and Mobile Drug Outlets. To provide pharmacy services during a national, state, or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, drug outlets may arrange to temporarily locate or relocate to a temporary drug outlet facility or mobile drug outlet. (7-1-18)

04. Nonresident Drug Outlet. The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. (7-1-18)

05. Change of Ownership. The registrant must notify the Board of a drug outlet's change of ownership at least ten (10) days prior to the event on a Board form. (7-1-18)

06. Permanent Closing. A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure and the new location of the prescription files. Notice must be provided to the public by prominent posting in a public area of the pharmacy. The PIC must retain a closing inventory record of controlled substances. (7-1-18)

07. Exemption from Separate Controlled Substance Registration. All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but must maintain compliance with all requirements under Title 37, Chapter 27, Idaho Code. (7-1-18)

051. -- 059. (RESERVED)

060. STERILE PRODUCT DRUG OUTLET ENDORSEMENT.

A drug outlet engaged in sterile product preparation must obtain a single endorsement for one (1) or more hood or aseptic environmental control devices. (7-1-18)

061. OUTSOURCING FACILITY REGISTRATION.

An outsourcing facility must be registered with the Board in order to distribute compounded drug product for human

use in or into Idaho. (7-1-18)

01. Application. An applicant must submit an application in the manner and form prescribed by the Board, including, but not limited to: (7-1-18)

a. A copy of a valid FDA registration as an outsourcing facility as required by 21 U.S.C. Section 353b; (7-1-18)

b. Identity of a pharmacist licensed or registered in Idaho who is designated as the PIC of the outsourcing facility; and (7-1-18)

c. An inspection report indicating compliance with applicable state and federal law. (7-1-18)

02. Coincidental Activity. An outsourcing facility applicant currently registered by the Board as a pharmacy or mail service pharmacy will be considered for an outsourcing facility registration with a supplemental pharmacy or mail service pharmacy registration at no additional fee. Exemption from registration fees does not excuse compliance with all laws and rules pertaining to pharmacies and mail service pharmacies. (7-1-18)

062. -- 069. (RESERVED)

070. WHOLESALER LICENSURE AND REGISTRATION.

01. Wholesaler Licensure. In addition to the information required pursuant to Section 54-1753, Idaho Code, the following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: (7-1-18)

a. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (7-1-18)

b. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (7-1-18)

02. VAWD Accreditation. The Board will recognize a wholesaler's VAWD accreditation by NABP for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. (7-1-18)

03. Wholesaler Registration. Except when licensed pursuant to the Idaho Wholesale Drug Distribution Act and these rules, a wholesaler that engages in wholesale distribution of DME supplies, prescription medical devices, or non-prescription drugs in or into Idaho must be registered by the Board. (7-1-18)

071. -- 079. (RESERVED)

080. MANUFACTURER REGISTRATION.

A manufacturer located in Idaho must be inspected and registered by the Board prior to engaging in drug manufacturing. Non-resident manufacturers that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident must be registered by the Board as a mail service pharmacy. (7-1-18)

081. -- 999. (RESERVED)

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