

1 State of Alaska  
2 Department of Commerce, Community and Economic Development  
3 Division of Corporations, Business and Professional Licensing  
4

5 Alaska Board of Pharmacy  
6

7 MINUTES OF THE MEETING  
8

9 March 7, 2019 In-Person and Teleconference via OnBoard  
10

11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,  
12 Article 6, a scheduled meeting of the Board of Pharmacy was held in-person at the  
13 Robert Atwood Building, Conference Room ACC in Anchorage, Alaska and at the  
14 State Office Building, 9<sup>th</sup> Floor, Commissioner's Conference Room in Juneau,  
15 Alaska on March 7<sup>th</sup> and 8<sup>th</sup>, 2019.  
16

17 Agenda Item 1 Call to Order/Roll Call Time: 9:05 a.m.  
18

19 The **March 7, 2019** meeting day was called to order by Chair, Rich Holt at 9:05 a.m.  
20

21 Board members present, constituting a quorum:  
22

23 Richard Holt, PharmD #PHAP2008, MBA – *Chair*  
24 Leif Holm, PharmD #PHAP1606  
25 Phil Sanders, RPh #PHAP776  
26 James Henderson, RPh #PHAP1683 (Absent)  
27 Lana Bell, RPh #PHAP893  
28 Tammy Lindemuth, Public Member  
29 Sharon Long, Public Member (Absent)  
30

31 Division staff present:  
32

33 Norman Thompson, Occupational Licensing Examiner  
34 Allan Alcancia, Occupational Licensing Examiner  
35 Laura Carrillo, Executive Administrator  
36 Chelsea Childress, Records & Licensing Supervisor  
37 Brian Howes, Investigator  
38 Greg Francois, Chief Investigator  
39 Melissa Dumas, Administrative Officer  
40 Marylene Wales, Accountant  
41

42 Members from the public present:

Catherine Kowalski, #PHAP926 (Petersburg Rexall Drug)  
Mackenzie Peeler, #PHAC2981 (Petersburg Rexall Drug)  
Dirk White, #PHAP811 (Harry Race Pharmacy)  
Adele Davis, (Alaska Pharmacy Association, SEARHC)  
Scott Watts, #PHAP899 (Ron's Apothecary Shoppe)  
Molly Gray, (Alaska Pharmacy Association)  
Kane Olson, #PHAP1875 (via phone from Anchorage)  
Daniel Nelson, #PHAP1413 (via phone from Fairbanks)  
Karen Miller, #PHAP1109 (via phone from Fairbanks)  
Andrew Jaconette, #MEDS5328 (via Anchorage)  
Jordan Hussey, #123640 (via Anchorage)  
Nancy Kavan, #PHAP1069  
Joann Nelson (pharmacist)

Other members present:

Chris Kennedy, Administrative Law Judge  
Kenneth Bressers, OMRO

**Agenda Item 2      Review/Approve Agenda**

**Time: 9:09 a.m.**

The board reviewed the agenda.

**On a motion duly made by Tammy Lindemuth, seconded by Lana Bell, and approved unanimously, it was**

**RESOLVED to accept the March 7, 2019 agenda as written.**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**Agenda Item 3      Ethics**

**Time: 9:09 a.m.**

The board then moved on to addressing ethics disclosures. In anticipation of discussing licensee's feedback on the Board of Pharmacy's letter released on January 23, 2019 written by Chair Holt, Mr. Holt clarified for the record that he will be addressing the matter as a board member. He further clarified that when addressing the letter, it will have no bearing towards any particular company or pharmacist, including any pharmacists whom he currently employs.

#### **Agenda Item 4      Public Comment**

**Time: 9:15 a.m.**

##### Federal Legislation and Employer Directives

Dirk White commented that as of January 1, 2020, there will be federal legislation requiring pharmacists to review the Prescription Drug Monitoring Program (PDMP) prior to dispensing a controlled substance. Through Chair Holt, Ms. Carrillo commented that each state has their own registration, reviewing, and reporting requirements, and that licensees in Alaska are not required to comply with this national directive. Chair Holt affirmed, stating pharmacists are not required to review prior to dispensing under current state statute or regulation, and that he was not aware of this requirement at this time, but was interested in researching this. Adele Davis commented that corporations may be issuing mandates to its pharmacists requiring them to review before dispensing.

#### **TASK 1**

Chair Holt and Laura Carrillo will look into the federal reviewing mandate that will go into effect for pharmacists on January 1, 2020.

*(Completed on 03/11/19; Ms. Carrillo found an amendment to the Social Security Act/Medicaid Partnership Act from the 115 Congress [2017-2018 legislature] addressing an upcoming mandate. The mandate would require states to notify the Centers for Medicaid and Medicare Services (CMS) by January 1, 2023 as to whether or not they have state law requiring pharmacists to check the PDMP, not that reviewing by pharmacists will be required).*

##### Veterinary Patients and PDMP Patient Fields

Katherine Kowalski inquired about reviewing patient prescription history. Through Chair Holt, Ms. Carrillo commented that both the Board of Veterinary Examiners and the Board of Pharmacy sought legal advice on whether veterinarians can review the patient prescription history of the animal's owner, as the ability to do so was not clear in the veterinary statutes and regulations. Ms. Carrillo informed the public that law ultimately opined that veterinarians can and should review the animal owner's patient prescription history since the potential to divert the controlled substance lies with the human owner and not with the animal. Ms. Carrillo also stated that it was up to the Board of Veterinary Examiners to come to establish standards for entering patient information, i.e.: human owner's date of birth rather than animal's date of birth.

#### **TASK 2**

Laura Carrillo will follow-up with the veterinary board through its staff, Chelsea Childress and Dawn Hannasch, on PDMP reviewing and reporting standards and patient identification criteria, and the guidance the board has for its licensees, if any.

(Completed on 03/11/19; Ms. Carrillo forwarded the legal opinion regarding this issue dated 09/12/2018 to the Board of Veterinary Examiners staff and sent a template created on 08/02/2018 for the veterinary board to facilitate the discussion on standards for entering information in patient fields).

#### Transfer of unfilled controlled substances

Katherine Kowalski commented on transferring of unfilled controlled substances, stating that there might be situations in which more than one controlled substance prescription is issued by the same prescriber due to inability to transfer unfilled prescriptions, and inquired to the board who would be responsible for the subsequent or duplicate prescription. Ms. Kowalski stated that, for example, if a prescriber writes a prescription in Ketchikan, the patient travels to Petersburg where the prescription can't be transferred to, so writes another prescription to be picked up at a pharmacy location in Petersburg: who is responsible for the new prescription?

#### Informal Complaints

Dirk White informed the board that the nutritional bar, "Rx Bar" is being sold by an out-of-state company in coffee shops and pharmacies throughout Alaska, and inquired whether it is a violation of AS 08.80.430, which prohibits the use of pharmacy symbols unless a license is obtained under AS 08.80. Mr. White also commented that there is a nutritional store in Sitka referring to itself as an apothecary, citing AS 08.80.420 as a potential violation of certain advertisements prohibited.

#### PDMP Processing Delays

Adele Davis commented on the PDMP processing delays, noting that it is taking 10 -12 weeks for access to be approved. Several members from the public reiterated this concern, including Dirk White, Katherine Kowalski, and Scott Watts, who stated that pharmacists are not able to comply with the mandate to review patient prescription history and inquired whether pharmacists will be able to defend potential violations for non-compliance. Through Chair Holt, Ms. Carrillo again clarified that pharmacists are not required to review patient prescription history, but that timeliness of registration will depend on the date the individual is licensed to the date a complete application to access the PDMP is submitted rather than administratively approved. Ms. Carrillo acknowledge the delay in processing PDMP applications, which she stated is directly related to the position being vacant for three months due to the continuation of the state hiring freeze. Ms. Carrillo informed the public that in the two months preceding the vacancy, she was on maternity leave, but that the board's investigator, Brian Howes, dedicated his free time to processing these whenever possible. Ms. Carrillo further informed the public that she, Norman Thompson, and Charles Ward, the division's marine pilot coordinator, are allocating time to processing these in the order received, but that there is no fully-dedicated staff person to process the 2,600 registrations manually. For reference, Ms. Carrillo stated most states have 4 – 9 full-time PDMP staff.

In the interim of hiring a dedicated PDMP staff member, Ms. Carrillo informed the public that pharmacists could register as a delegate under AS 17.30.200(d)(4) as these accounts can be approved relatively more expeditiously since they don't require validation documents.

### **TASK 3**

Ms. Carrillo will review and approve “pharmacist delegate – licensed” accounts daily and will update the pharmacist’s user role from the delegate role to the pharmacist role once the licensee’s form and payment is processed. PDMP registration issue dates in the licensing database will reflect the actual date approval was given.

January 23<sup>rd</sup>, 2018 Letter to Pharmacists

Daniel Nelson commented that he has been a pharmacist for almost 17 years and has always felt personal pride in being a pharmacist, and that as a profession are respected members of the community where people invest a lot of trust in them, but feels for the first time that the rust and perception of the profession was severely undermined as a result of the letter. Mr. Nelson further commented that the letter was patronizing and tone deaf to the opioid epidemic, adding that he understands the intent of the letter was to address how to approach refusing a prescription, but that the tone of the letter was overwhelmingly threatening and negative towards the pharmacists. Mr. Nelson stated that the Board of Pharmacy has a responsibility to address and answer questions about the letter, stating that the root of the issue came from a particular pharmacy that was no longer able to purchase controlled substances from a wholesaler, which consequently left hundreds of patients without a pharmacy almost overnight. Mr. Nelson inquired what the board’s responsibility is when a wholesaler ceases to supply to a pharmacy, what recourse a pharmacy can take when a wholesaler has terminated its contract, and whether there is due process in investigating the quantity of controlled substances being purchased when it is perceived to be in an egregious and alarming amount prior to that wholesaler being able to revoke a purchasing contract. It was further stated that the medical board should be weighing in on this issue, particularly when it comes to dangerous opioid and benzodiazepine combinations.

In response to Mr. Nelson, Chair Holt stated that there were multiple complaints raised to different agencies within the state, and that the board was looped into the issue and asked to provide a response. Chair Holt clarified that there were specific and actual scenarios that were relayed to the board, and the letter was a multi-factorial approach to give a sweeping generalization to remind pharmacists that they do have a right to refuse, but that the approach in which one does so should be professional. Chair Holt expressed appreciate for the feedback on the tone of the letter, but was hopeful that explaining the circumstances under which the letter was created will help provide the public and licensees with a better understanding behind its intent.

In response to Mr. Nelson’s comment on due process prior to wholesalers revoking a purchasing contract, Chair Holt stated the board does not regulate business contracts or are otherwise involved in limitations in purchase agreements between wholesalers and pharmacies.

Jordan Hussey from Walgreens commented that pharmacists are experiencing backlash from prescribers who just bring up the letter to try reinforcing that pharmacists cannot refuse to fill prescriptions. Chair Holt responded that the letter does state that pharmacists have the right to refuse, and offered the reminder that pharmacists must approach refusals with professionalism. Chair Holt also commented that a follow-up FAQ document was done in collaboration with the Board of Nursing and the Medical Board, and that they are continuing to try working

collaboratively with these boards to come out with a joint statement as there should be professional dialogue between affected professions.

Karen Miller commented that she's been a retail pharmacist for 25 years and did see a recent shift of prescribing in quantities that she had not seen before. Ms. Miller added that she did see what she perceived to be egregious prescribing, but that prescribers would not pick up the phone or make efforts to communicate with the pharmacy about the prescription. Ms. Miller also stated that she and her colleagues do their best to scrutinize prescriptions to determine whether they are legitimate, but may refuse simply because they don't have the supply as they see a high number of palliative, hospice, and cancer treatment patients. With regards to the letter, Ms. Miller stated it made her and her colleagues nervous about refusing.

Ms. Carrillo commented to the public that if a pharmacist has a concern about a prescriber or another pharmacist licensee, that the division cannot look into a complaint unless it is done so through the proper investigative process. Ms. Carrillo, through the Chair, encouraged the public to file complaints when they believe there is an issue of safety at hand, which she explained could be accomplished by submitting a Request for Contact Form to the Investigations Section. Ms. Carrillo stated that there was information on this process included on the FAQ document, and Molly Gray commented that the complaint process could be published through the AKPHA.

Dr. Andy Jaconette commented that he is a physician with a focus in interventional pain and addiction medicine, and that he is very concerned about patients not being able to have their prescriptions filled all of a sudden. Dr. Jaconette added that he has been prescribing the same medications in the same quantity for the last 10 years, and that the sudden refusal to fills is harmful to patients. Dr. Jaconette then inquired to the board whether they were aware of active prosecutions against pharmacists dispensing in dangerous or unsafe quantities, to which Chair Holt stated there are, but that he was not aware of any that are currently happening in Alaska. Dr. Jaconette expressed frustration that pharmacists are encroaching on the practice of medicine by attempting to provide a diagnosis and altering medications, adding that he is having to call pharmacists because they are not calling his office. Chair Holt commented that the Board of Pharmacy has been actively attempting to work with other prescribing boards to release a joint statement since December, but that efforts have not been successful. To Dr. Jaconette's comment on scope of practice, Chair Holt stated that pharmacists are obligated and have the authority to evaluate prescriptions. Chair Holt also stated that SB 74 mandated that representatives from all board were to convene as a subcommittee to establish prescribing limits, and that the committee [CBPL's Joint Committee on Prescriptive Guidelines] was required to submit the recommendation to the legislature; however, the legislature did not do anything with the recommendations. Chair Holt added that the recommendations could have been a foundation on which to provide better guidance to prescribers. Lana Bell thanked Dr. Jaconette for advocating for more support, and added that when the board makes recommendations, it still has to go through the legislature, which can be a time-consuming process.

Dr. Jaconette continued to express concern over the lack of communication between prescribers and pharmacists, and the harm that is being done to patients as a result of refused dispensing. Lana Bell expressed appreciation for Dr. Jaconette coming o defend his profession, his patients, and his practice, but reiterated that all pharmacists are doing their best to address these efforts. Ms. Bell added that pharmacists are highly trained in pharmacology and are here to be a good tool for the prescriber, but that in her practice, she always defers to the physician in making the ultimate decision. Ms. Carrillo stated that she would be holding a PDMP touch-base meeting on March 11<sup>th</sup> and that she would be addressing the topic of improved collaboration amongst affected boards.

#### **TASK 4**

Ms. Carrillo will follow-up with the board after the CBPL touch-base meeting on PDMP topics, including the need for increased collaboration between boards and the need to release a joint statement.

*Catherine Kowalski, Mackenzie Peeler, and Dirk White left the room at 10:04 a.m.*

*Allan Alcancia left the room at 10:14 a.m.*

*Scott Watts and Molly Gray left the room at 10:32 a.m.*

*Adele Davis left the room at 10:45 a.m.*

*Allan Alcancia entered the room at 10:18 a.m.*

#### **Agenda Item 5      PDMP Update**

**Time: 10:26 a.m.**

##### Letter from Board to director, Sara Chambers

Chair Holt presented a draft letter from the board to division director, Sara Chambers, requesting additional resources to process PDMP registration applications more timely, noting a significant delay with over 2,600 pending registration applications to be processed. The board reviewed the letter.

**On a motion duly made by Tammy Lindemuth, Seconded by Lana Bell and with unanimous approval to forward the letter requesting additional staff resources for the PDMP to director Chambers, it was:**

**RESOLVED to send the letter dated March 7, 2019 to division director, Sara Chambers, addressing the need for staff to process pending PDMP registrations.**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			

298	Tammy Lindemuth	x
299	James Henderson	x
300	Sharon Long	x

301  
302 The motion passed with no further discussion.

303  
304 **TASK 5**

305 Ms. Carrillo will forward the letter to director Chambers and will provide an update to the board  
306 once complete.

307 *(Completed on 03/11/19; Ms. Carrillo also notified the board that director Chambers received approval to*  
308 *continue with the PDMP program coordinator recruitment).*

309  
310 PDMP Board Report: Pharmacy

311 Hearing nothing further on public comment, Laura Carrillo addressed the Board of Pharmacy  
312 report for the PDMP update, which included information up to January 31, 2019. For the Board  
313 of Pharmacy, there were 1972 currently registered pharmacists, with registration compliance at  
314 94%; the highest compliance rate among all boards with PDMP requirements. Ms. Carrillo then  
315 reviewed the breakdown of registered users by related user roles, including IHS, VA, military  
316 dispensers, and pharmacist delegates. Ms. Carrillo noted to the board that despite being the only  
317 profession not required to login or review patient prescription history pharmacists have the  
318 highest login and review rates compared to those professions mandated to do so, which  
319 demonstrates pharmacist's efforts to maximize the PDMP. For threshold reporting, Ms. Carrillo  
320 informed the board that 21 patients appeared to meet or exceed the established threshold of  
321 receiving more than five prescriptions from more than five pharmacies over a three-month period  
322 (5-5-3 threshold), and that notifications will be sent to respective boards. For the record, Ms.  
323 Carrillo clarified that these unsolicited notifications that are sent to the boards do not disclose the  
324 name of the licensee who contributed to a patient meeting or exceeding this threshold, but that  
325 the notification is authorized in statute. In responding to DEA subpoenas, Ms. Carrillo responded  
326 that the response rate is at 100%, with the majority of subpoenas received in 2018 was for  
327 patients, followed by prescribers, and then dispensers.

328  
329 Ms. Carrillo then informed the board that as of January 31, 2019, there were 181 delinquent  
330 pharmacies, meaning that these pharmacies either failed to report at least one time within a week  
331 up until June 30, 2018, or did not submit daily from July 1, 2018 to January 1, 2019. Due the  
332 continued vacancy, letters have not been sent to these pharmacies notifying them of their  
333 delinquent reporting status; however, Ms. Carrillo stated it is a priority to get notices sent once the  
334 PDMP Program Coordinator position is filled.

335  
336 **TASK 6**

337 Delinquent reporting notices will be sent to the 181 pharmacies by the PDMP Program  
338 Coordinator.

339 *(In-progress).*  
340



PDMP Report to the 31<sup>st</sup> Legislature

Ms. Carrillo presented the draft of the legislature to the board, which included updated data on registration, reviewing, and reporting measures and various PDMP related activities. The board reviewed the report.

**On a motion duly made by Lana Bell, Seconded by Phil Sanders and with unanimous approval to submit the PDMP legislative report, it was:**

**RESOLVED to submit to the 31<sup>st</sup> Legislature the Prescription Drug Monitoring Program report as written.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**TASK 7**

Ms. Carrillo will submit the legislative report via director, Sara Chambers.  
(Completed on 03/11/2019; pending submittal to legislature via Senator Cathy Giessel).

Enhanced Programmatic Desk Review (EPDR) by BJA

Ms. Carrillo informed the board that they had an EPDR scheduled with the Bureau of Justice Assistance (BJA), in which a series of questions were asked regarding financial, administrative, and programmatic matters related to the PDMP. Ms. Carrillo stated that Andy Jones, previously with the Alaska Department of Health and Social Services' (DHSS) Office of Substance Misuse and Addiction Prevention (OSMAP) was primarily responsible for providing responses to the questions. Updates provided by Ms. Carrillo included ongoing activities, including enhancement features to the AWARe platform and collaboration efforts with DHSS.

Letter of Support for CDC's Overdose Data to Action Grant "OD2A"

The board reviewed a draft letter prepared in support of the Opioid Data to Action (CDC-RFA-CD19-1904) grant to assist DHSS's Injury Surveillance Program in applying for grant funds. The funds would be used to advance and evaluate state-level interventions for the PDMP, ultimately requiring the continuation of multi-state department collaborative efforts between DHSS and the

PDMP. If funding is awarded, the PDMP would have two deliverables to comply with: 1.) improving database functionality and expanding the PDMP through improved intra- and inter-state interoperability. Ms. Carrillo informed the board that while there may be existing grant funds to cover enhancement features to comply with the database functionality aspect, additional funds would be particularly helpful with expanding sharing of data among in-state entities and out-of-state entities.

#### **TASK 8**

Ms. Carrillo will request more information on solutions to comply with improving database functionality and improving intra- and inter-state functionality, and will continue to collaborate with Appriss Health and DHSS on these advancements  
*(Completed on 03/12/19; Ms. Carrillo submitted an internal request to submit a proposal for ASTHO/CDC to highlight PDMP successes; Ms. Carrillo also requested a cost estimation sheet from Appriss for enhancements/applications to assist in complying with the OD2A Grant, including: OpenBeds and ERvive).*

**On a motion duly made by Tammy Lindemuth, Seconded by Rich Holt and with unanimous approval for the letter of support for the Overdose Data to Action grant, it was:**

**RESOLVED to approve the letter of support for inclusion into the application for the Overdose Data to Action grant to be submitted by the Alaska Department of Health and Social Services.**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

#### Military Health System PDMP (“MHS PMP”)

Ms. Carrillo informed the board that the military recently launched their own prescription drug monitoring program and presented a draft MOU she prepared for the military and the state PDMP to connect to each other. Ms. Carrillo stated that the interoperability specifications are still in the development stages, but that she would follow-up once the Department of Defense returns the MOU to the department.

#### **TASK 9**

Ms. Carrillo will follow-up with the board on the status of the MHS PMP. *(On-going).*

Delayed PDMP Registration Protocol

The board addressed the protocol for assessing delayed registrations. Ms. Carrillo included in the board packet a letter template the Board of Nursing uses when notifying licensees that they may have registered late with the PDMP. Rich Holt inquired how the board would assess late registrations given the current 2,600 registration backlog. Ms. Carrillo stated that a delayed registration wouldn't be determined based on the date the account is approved and access is given, but rather the date from when the pharmacist is issued an Alaska license to the date they submit a complete PDMP registration, including creation and submission of online credentials through AWARe, as well as submission of the form and payment. Since the deadline to register for existing licenses went into effect on July 17, 2017, the processing of late registrations would only apply to newly licensed pharmacists. Chair Holt commented on the fact that not every pharmacist is required to register, just those dispensing federally scheduled II – IV controlled substances in Alaska. Ms. Carrillo inquired about when it is appropriate to gather the information on a pharmacist's dispensing status. Investigator, Brian Howes, recommended that dispensing status could be determined during the investigation of a complaint, at which time the discovery of non-compliance with registration may be considered a secondary violation given there is a violation found as a result of the initial complaint, and consequently a disciplinary action issued against the pharmacist's license. Ms. Carrillo also suggested putting in an IT order for a dispensing designation to be available for pharmacist license types.

The board also discussed delayed registrations, ultimately determining that they should be given 30 days to submit a complete PDMP registration application from the date they are issued an initial pharmacist license. The courtesy letter will be modeled after the Board of Nursing letter and no action will be taken since the letter will warn licensees that they must renew their PDMP registration on time or may risk a disciplinary action against their license.

**On a motion duly made by Lana Bell, Seconded by Tammy Lindemuth and with unanimous approval to set a grace period for registering with the PDMP, it was:**

**RESOLVED** to set the registration window as 30-days of being issued an initial pharmacist license to the date a complete PDMP application (including submission of online credentials via [alaska.pmpaware.net](http://alaska.pmpaware.net) and the requisite form and payment, if applicable) is submitted. A courtesy letter will be submitted to licensees reminding them of their requirement to renew their registration timely.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			

James Henderson	x
Sharon Long	x

The motion passed with no further discussion.

#### **TASK 10**

Ms. Carrillo will put in an IT work order to add the dispensation designation to the pharmacist license category.

*(Completed 03/13/19; Ms. Carrillo put in the request via program coordinator, Colleen Kautz, who will request this through IT).*

#### **TASK 11**

Chair Holt will draft a courtesy letter notifying newly licensed pharmacists that they have potentially registered late based on the 30-day grace period.

*(Completed 03/10/19; Chair Holt drafted the letter and also suggested this be a good opportunity to assess dispensation status; Ms. Carrillo drafted a form titled, "PDMP Exemption Statement for Non-Dispensing pharmacists on 03/12/19 and submitted to publications specialist, Hannah Hamburg for finalizing).*

Chair Holt called for break at 11:23 a.m.

*Off record at 11:23 a.m.*

*On record at 11:29 a.m.*

### **Agenda Item 6      Conference and Meeting Updates**

**Time: 11:30 a.m.**

#### Controlled Substance Advisory Committee (CSAC)

Lana Bell addressed the CSAC, first reminding the board that legislation from FY18 resulted in the shift of the CSAC chair position from the Department of Law to the Board of Pharmacy or the Board of Pharmacy's designee. Chair Holt designated this position to Lana Bell, who is the current chair of the committee. Ms. Bell reiterated earlier concerns that due to the lack of clear communication and direction into the continuation of administrative support to assist the new chair in this capacity, it has been difficult to assert authority over the committee and schedule subsequent meetings. Ms. Bell added that the committee is required to meet twice per year, but the Department of Law has expressed that they would not be continuing to provide support, such as publishing meeting dates, scheduling meetings, and writing meeting minutes. The authorizing statute did not provide for the Board of Pharmacy staff to perform the necessary administrative support to the CSAC, which makes being in the position of chair difficult to navigate. Ms. Bell ultimately expressed she would like to consider that the chair appoint a new designee to this position and further added the CSAC committee has great potential to mobilize resources to address emerging issues requiring a multidisciplinary approach. Chair Holt agreed to entertain this and recommended it be added to the March 8, 2019 agenda under Administrative Business, Agenda Item #22.

Phil Sanders inquired as to whether the CSAC has accomplished any particular tasks, to which Ms. Bell stated that they have; most recently, the CSAC addressed emergency scheduling with the support and recommendation that unscheduled substance be scheduled on an emergency basis when there is an immediate threat to public health and safety.

**Agenda Item 7      Investigative Report**

**Time: 11:42 a.m.**

Investigator, Brian Howes was present in Anchorage to provide the board's investigative report, which included the opening of 22 matters and closing of 13. Mr. Howes also informed the board that one was related to a licensing action and one that was related to PDMP registration, which he recommended should be discussed under executive session.

**On a motion duly made by Rich Holt in accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**

Staff members, Laura Carrillo, Norman Thompson, Allan Alcancia, and Brian Howes were authorized to remain in the room.

*Off record for executive session at 11:45 a.m.*

*On record for public discussion at 12:08 p.m.*

Upon return from executive session, Chair Holt clarified for the record that no motions were made under executive session.

**On a motion duly made by Rich Holt, seconded by Tammy Lindemuth, and with unanimous approval to accept the voluntary surrender of Neil Holder, Alaska Pharmacist License #PHAP1391, Case #2019-000186, it was:**

**RESOLVED to accept the voluntary license surrender of license # PHAP2124 by Neil Holder. The voluntary surrender was based upon evidence of violations against AS 08.01.075, AS 08.80.261(a)(7), and AS 08.80.261(a)(8).**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			

James Henderson	x
Sharon Long	x

The motion passed with no further discussion.

On a motion duly made by Rich Holt, seconded by Leif Holm, and with unanimous approval to accept the consent agreement for case #2018-000795, out-of-state pharmacy, Hallandale Pharmacy, registration #139527, it was:

**RESOLVED** to accept the consent agreement for Hallandale Pharmacy pursuant to AS 08.01.075, AS 08.80.158(a), AS 08.80.158(c), 12 AAC 52.261.(a)(14), 12 AAC 52.920(a)(3), and 12 52.920(a)(15), and contingent upon review of the re-application for and approval of the registration as a pharmacy in this state.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

## Agenda Item 9      Lunch

Time: 12:15 p.m.

Chair Holt called for lunch at 12:15

*Off record at 12:15 p.m.*

*On record at 1:01 p.m.*

## Agenda Item 10      Correspondence

Time: 1:02 p.m.

### NABP – NPDB Proactive Reporting

Included in the board packet was an announcement from the NABP soliciting the board to enter into an agreement for the NABP to report adverse actions to the National Practitioner Databank (NPDB) on behalf of the board. The board requested more information as to the benefit this agreement would provide. The initial impression is that by entering into an agreement with the NABP to report to the NPDB, it would create a reciprocal relationship in which the board could query the NPDB for applicants seeking initial licensure in Alaska.

## TASK 12

Ms. Carrillo will follow-up with the NABP for more information on the pros of entering into this agreement, including clarifying whether it would allow for the board to also query the NPDB for applicants pursuing licensure in Alaska, and will also request which states have a current agreement for adverse action reporting.  
*(Initiated on 03/14/19; Ms. Carrillo sent an email to the NABP requesting additional information).*

#### Skilled Nursing Facilities

The board moved to discussion on skilled nursing facilities. Ms. Bell's impression was that the questions being raised are most appropriate for medical directors of skilled nursing facilities, which had to do with access to emergency medication kits and the use of automated drug cabinets. The letter, initially sent by Matthew Keith, requested an opportunity to speak with the board directly on this issue; however, Mr. Keith passed the baton to Piper Machamer, who was not present at the meeting to address this with the board.

#### **TASK 13**

Ms. Carrillo will follow-up with Piper Machamer from Geneva Woods Pharmacy to request that the questions related to emergency medication kits and automated drug cabinets be clarified.  
*(Completed 03/18/19; Ms. Carrillo sent an email to Ms. Machamer requesting for specific questions on 03/14/19 and received a response on 03/18/19 indicating the interest/initiative is being withdrawn).*

#### Opioid Issue Feedback (Letter from Chair)

The board reviewed correspondence submitted by licensees expressing their opinions on the letter released on January 23, 2019. Chair Holt reiterated that he supports pharmacists, their right to refuse, their clinical judgment, and reminded the public that the intent of the letter was to address the approach of refusing to fill a prescription. Tammy Lindemuth expressed how the letter was received negatively by the pharmacy community and inquired whether there is any recourse the board can take to remedy the relationship with its constituents. Lana Bell commented that the board can continue to provide clarification as to the background and intent of the letter, but that ultimately, it will require increased efforts between prescribing boards to provide better guidance. Ms. Carrillo stated that she and Chair Holt created a draft joint statement that addressed the topic of supporting prescribing and dispensing practices and the need to improve increased communication and collaboration. Ms. Carrillo reminded the board that they would be holding a meeting on March 11th with board staff, and Chair Holt recommended appointing delegates to serve on a community for the purpose of giving input on this multidimensional issue.

#### **TASK 14**

Ms. Carrillo will follow-up with the board on the status of the PDMP touch-base meeting with board staff affected by AS 17.30.200.  
*(Initiated again on 03/14/19; Ms. Carrillo emailed Chair Holt with a status update on the meeting; the Medical Board EA indicated she would put the joint statement letter back on the board's radar, and Ms. Carrillo is actively working with the Board of Dental Examiners appointed delegate, David Neilsen, to get his profession's perspective included in the letter).*

IHS Pharmacist-in-Charge License Requirements

Norman Thompson included in the board packet correspondence from Robert Clark, President/CEO of Kakanak Hospital, which is a federal facility operating as Bristol Bay Area Health Corporation (BBAHC). BBAHC's pharmacy is currently licensed in Alaska but is a tribal health organization. Tribal organizations are exempt from state licensure requirements under the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, however, the pharmacy pursued licensure in the state. Chair Holt commented to the board that BBAHC had inquired whether one of their pharmacists could serve as a pharmacist-in-charge without holding a pharmacist license in Alaska as the pharmacist holds an active license in another state. The initial interpretation was that because the pharmacy holds a license in Alaska, the pharmacy is ultimately subject to state law, including having a pharmacist-in-charge who holds a license under AS 08, which is a requirement under 12 AAC 52.200. This interpretation was relayed to BBAHC, to which Mr. Clark responded with reasoning justifying that the pharmacist-in-charge should not have to hold an Alaska pharmacist license due to the exemption under ISDEAA. The board ultimately decided that a legal opinion would need to be requested.

**On a motion duly made by Lana bell, seconded by Phil Sanders, and approved unanimously, it was:**

**RESOLVED** to submit to the AAG a request to clarify whether Alaska-licensed pharmacies seeking exemptions to licensure requirements of its staff under ISDEAA can be granted for a pharmacist-in-charge.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**TASK 15**

Ms. Carrillo will request a legal interpretation on whether a pharmacist for an Alaska-licensed IHS pharmacy can appoint a pharmacist-in-charge who does not hold a license under AS. Ms. Carrillo will also follow-up with BBAHC/Kanakanak Hospital informing them that a legal opinion has been requested.

*(Completed 05/01/2019; Ms. Carrillo requested a legal opinion through director Sara Chambers on 04/12/19. Director Chambers cited AGO No. AN2009102500 on 05/01/18 indicating IHS individuals or entities with an Alaska license under AS 08. must comply with all applicable laws. Follow-up provided to applicant.)*



678 Partial Fill for Schedule II Medications

679 Included in the board packet was a link to file comments regarding proposed federal legislation on  
680 partial fills for schedule II controlled substances. The board did not discuss this in depth.

682 **Agenda Item 11      Budget Update**

**Time: 1:30 p.m.**

684 *Melissa Dumas and Marylene Wales entered the room at 1:26 p.m.*

685 *Melissa Dumas and Marylene Wales left the room at 1:52 p.m.*

687 Administrative Officer, Melissa Dumas, and Marylene Wales, Accountant, were present to provide  
688 the board with a budget update for the FY19 1<sup>st</sup> and 2<sup>nd</sup> Quarter, as well as the FY19 2<sup>nd</sup> Quarter  
689 report for the PDMP. Ms. Wales commented that for the first quarter, the board had \$63,290 in  
690 total revenue, \$47,677 in total direct expenditures, which includes personal services, travel,  
691 contractual, supplies, and equipment, and \$112,597 in total expenses. The ending cumulative  
692 surplus for this period was \$458,686. For the 2<sup>nd</sup> quarter, the board's ending cumulative surplus  
693 was \$363,440.

695 For the PDMP 2<sup>nd</sup> quarter report, Ms. Dumas informed the board that there are currently two  
696 revenue streams: the \$25.00 registration and renewal fee required per biennium and grant funds  
697 received through reimbursable service agreements (RSAs), for which the board has collected  
698 \$65,045 and expended \$82,641.04, respectively. Ms. Dumas clarified that the board has not spent  
699 any revenue collected through the registration fee. Leif Holm commented that it was in statute, at  
700 least initially, that the fee was not to exceed the cost to operate, and inquired whether this was  
701 based on the theoretical cost or actual cost to operate. Mr. Holm further added that it's  
702 convenience to be collecting a cushion, but it's also in the best interest to start spending money as  
703 it will continue to cost more and more to comply with grant deliverables. Ms. Carrillo commented  
704 that there are existing funds to cover enhancements they wish to pursue, including NarxCare and  
705 the compliance module. Mr. Holm added that the board have discussed NarxCare in the past, but  
706 that it's not necessarily a critical feature, to which Ms. Carrillo stated that there are limited options  
707 to comply with grants and that NarxCare is one solution. Chair Holt commented that the  
708 compliance module would be beneficial as it would allow us to more closely monitor compliance.  
709 Ms. Dumas suggested that we need to give the revenue and expenditure streams about another  
710 year to fully assess the registration fee's impact, after which time a fresh fee analysis can be  
711 conducted to further assess whether the fee can be reduced.

713 **Agenda Item 8      New Business**

**Time: 1:02 p.m.**

715 The board returned to discussion on correspondence items, beginning with regulations on partial  
716 fills of schedule II medications.

718 Transfer of Unfilled Controlled Substances

719 Chair Holt commented that the NABP came out with a letter in 2017 regarding confusion over  
720 federal regulations and transfers of prescriptions for schedule II controlled substances. The Drug

Enforcement Administration made an exception to title 21, code of federal regulations, Section 1306.25, such that a DEA-registered pharmacy that has filled an initial prescription could transfer the original prescription to another DEA-registered pharmacy. This would allow the secondary pharmacy to dispense any remaining refills permitted by the prescriber. Chair Holt commented that the exception, however, did not outline guidance for verbal, faxed, or hardcopy orders, that the only exception is for electronically prescribed controlled substance prescriptions. In addition, Chair Holt added that the exception didn't provide guidance for the method in which to forward a prescription, including documentation requirements. It is Chair Holt's understanding that at this time, there is inconsistent practices over transferring of prescriptions because of the lack of clarity in the guidance.

**Agenda Item 12      Old Business**

**Time: 2:00 p.m.**

*Chris Kennedy, Administrative Law Judge, and Kenneth Bressers, representing OMRO pharmacy entered the room at 2:00 p.m.*

*Chris Kennedy, Administrative Law Judge, and Kenneth Bressers, representing OMRO pharmacy left the room at 2:48 p.m.*

The board then addressed the OMRO case, which the board had denied registration to during their May 10-11, 2018 meeting.

**On a motion duly made by Tammy Lindemuth in accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. It was:**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**

Staff members were not authorized to stay in the room.

*Off record for executive session at 2:02 a.m.*

*On record for public discussion at 2:48 p.m.*

Upon returning from executive session, Chair Holt commented that no motions were made under executive session.

**On a motion duly made by Tammy Lindemuth to adopt the ALJ's final decision to approve issuance of the out-of-state pharmacy registration, it was:**

**RESOLVED to accept the ALJ's final decision to issue the registration for OMRO Pharmacy.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			

Richard Holt	x	
Phil Sanders	x	
Lana Bell	x	
Tammy Lindemuth	x	
James Henderson		x
Sharon Long		x

The motion passed with no further discussion.

## **Agenda Item 8      New Business**

**Time: 3:15 p.m.**

The board returned to discussion on new business items, beginning with regulations on partial fills of schedule II medications.

### Transfer of Unfilled Controlled Substances

Chair Holt commented that the question boils down to whether a pharmacy can transfer a controlled substance prescription. Chair Holt prompted the board to determine whether the board should prepare a guidance statement. Ms. Lindemuth proposed drafting a position statement until further information could be obtained and Ms. Bell suggested the topic be tabled until the next meeting. The board discussed having the Department of Law review this issue, to which Mr. Sanders inquired what the specific ask would be. Ms. Bell stated that it would be to determine whether the board has the authority or if it is appropriate to weigh in on a federal rule.

**On a motion duly made by Lana bell, seconded by Tammy Lindemuth, and approved unanimously, it was:**

**RESOLVED** to submit to the AAG a request for input on whether the board can weigh in on a federal rule, particularly the issue concerning DEA guidance on transferring of controlled substance prescriptions.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**Agenda Item 10      Correspondence**

**Time: 3:15 p.m.**

NACDS – Lis Houchen (addressed earlier during public comment)

NABP Proposed Resolutions (reviewed)

NABP MPJE Workshop

Chair Holt commented he would be participating in this MPJE writing workshop remotely on March 13-15, 2019 and that it requires review of over 2,000 items. The board discussed other MPJE workshops, and Ms. Lindemuth noted to the board that the reviewing workshop is in the fall. The board continued to discuss workshop events.

**TASK 17**

Ms. Carrillo will put in a travel request for Leif Holm to attend the NABP Annual Meeting using grant funds.

*(Completed 03/08/19; Ms. Carrillo requested that the travel request be added for Leif Holm using NABP's travel grant and for Ms. Carrillo's travel to be funded by federal grant funds through the RSA; Ms. Carrillo confirmed on 03/19/19 with the NABP to transfer its travel grant to Mr. Holm).*

Automated Dispensing

The board reviewed questions from Kevin Rew who inquired about automated dispensing in two settings: 1.) onsite at outpatient clinics in order to guarantee that the patient leaves the clinic with the first prescription in hand (the primary interest); and 2.) on the pharmacy premises, for access by patients who do not wish to wait in line for refills. Mr. Rew's specific questions were how the board would consider approving a pilot project for automated dispensing and if the board would be receptive to legislation changes requiring automated dispensing. In Mr. Rew's correspondence, he indicated that California recently enacted rules to bring automated dispensing to outpatient settings and was interested in whether Alaska was interested in pursuing this. Ms. Lindemuth suggested requesting a copy of California's law and also recommended inquiring from Mr. Rew how use of automated dispensing is monitored.

**TASK 18**

Ms. Carrillo will follow-up with Kevin Rew requesting a copy of California's law on automated dispensing and how the practice is being monitored. Ms. Carrillo will provide Mr. Rew's responses to the board for their next meeting.

*(Completed 03/14/19; Ms. Carrillo requested additional information from Mr. Rew; Mr. Rew provided requested information to Ms. Carrillo on 03/15/19 for inclusion into the board's next meeting packet).*

Unlicensed Practice

The board reviewed an article regarding an individual who posed as a pharmacist at a Walgreens in California.

Prescription Adaptation

The board reviewed correspondence from Dennis McAllister from Express Scripts who inquired whether the board would consider entertaining legislation enabling pharmacists to adapt prescriptions as is done in Washington. Mr. Holm commented that it could improve relationships with providers; however, Chair Holt commented dosage forms as written in Washington can't be changed in Alaska because it's written in Alaska statutes. The board continued to discuss prescription adaptation.

#### **TASK 19**

Phil Sanders will review existing statutes and regulations to propose the law based on Dennis McAllister's provided draft of Washington.

#### **TASK 20**

Ms. Carrillo will inform Dennis McAllister that the board will be looking into prescription adaptation more closely and will address this again at their next meeting.  
*(Completed 03/14/16; Ms. Carrillo informed Mr. McAllister of the status of the board's attention to this matter).*

#### **Agenda Item 12      Old Business**

**Time: 3:42 p.m.**

The board returned to discussion of old business.

#### **Continuing Education Audit**

The board reviewed the outstanding continuing education audits for pharmacists for the renewal period of July 1, 2016 to June 20, 2018. The hourly continuing education requirement for this license type is 30 hours. Chair Holt inquired to Ms. Carrillo if the continuing education certificates are screened in advance of board review, to which Ms. Carrillo affirmed.

**On a motion duly made by Rich Holt, seconded by Tammy Lindemuth, and approved unanimously to accept the continuing education audits in compliance with 12 AAC 52.300-350 for pharmacists: Christopher Sperry, Trevor Embry, Heidi Brainerd, Chad Lamoureux, Jacob Mock, Dawn Erbeck, Dean Thorson, Dawn Hughes, Karen Nelson, Robert Grogan, Mary Heaster, Beth Dobson, Mike Branson, William Altland, Lorraine Ball, Debra Spurlock, Marlene Perschbacker, Charlene Hampton, Preston Van Curen, Nichell Moore, Cynthia Lynn McCoy, Rodney Gordon, Adam Schwartz, Craig Eyer, Matthew Keith, Bridget Alem, Stephen Cole, Heidi Bernhoft, Rosalynda Uy, Sally Wilhelm, Mark De Zeeuw, Megan Wiegand, Sarah Schock, Justin Connett, Joyce Durcanin-Robbins, Jessica Hinckley, Rachel Botson, James Bunch, Dharna Begich, Patrick Welch, Steven Miller, Dawn Shill, Rose Winkel, Janet Schwartz, Myra Flint-Smith, Leonard Bolog, John Evey, Donna Michaud, Richard Einhellig, Kristopher Swinney, Elizabeth Tressler, Renee Robinson, Young Oh, Theresa Castellanos, Katelyn Hilton, Benjamin Schultz, Erin Narus, Christine Latta, Cheri Cubbison, Medelina Richmond, Chelsea Dubbe, Michael Kristie, Shawna O'Shea, Grant Cleveland, Ericka Richards, Samantha Ervin, Stephanie Stolen, Enoch Ronduen, Dane Brubaker, Joel Phair, Angelina**

Lovell, Cory Collins, Peter Simonich, Amanda Hammila, Jeffery Moseley, Heidie Carlson, Richard Batson, Tina Horn, Johanna Ellerup Ann Stout, Ryan Trevithick, Douglas Chan, Warner Wolf, Laura Garza, Bryce Farrar, Brandon Boller, Cindy Tobias, Teresa Kriletich-Bruce, John McGilvray, Kendal Haihoi, John Bittner, Douglas Bartko, Molly Hull, Jerry Gottbe, and Kelly Smoot, it was:

**RESOLVED** to accept the continuing education audits for the above mentioned pharmacists, who demonstrated compliance with the continuing education requirements under 12 AAC 52.300 – 12 AAC 52.350 for the 2016 – 2018 renewal period.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

#### **TASK 21**

Ms. Carrillo and Mr. Thompson will send audit closed letters to the pharmacists whose continuing education audits were accepted. Audit flags will also be removed from these licensee's records and those who have not complied with the audit will be contacted by the paralegal.

*(Audit closed letters sent 03/19/19. Ms. Carrillo sent Marilyn Zimmerman an email regarding licensees who did not appear to comply with the continuing education requirement as of 03/14/19).*

The board reviewed the outstanding continuing education audits for pharmacy technicians for the renewal period of July 1, 2016 to June 20, 2018. The hourly continuing education requirement for this license type is 10 hours.

**On a motion duly made by Rich Holt, seconded by Tammy Lindemuth, and approved unanimously to accept the continuing education audits in compliance with 12 AAC 52.300-350 for pharmacy technicians: Katya Drobkov (Strul), Lorena Gebhardt, Kathryn Carleton, Susan Landreth, Ty Miller, Brittany Romans, Jaaliyah Alexander, Krista Yadao, Dorothy Luchansky, Yu Chung, Sherry Chambers, Linda Cossairt, Merry Gregg, Brenda Elmer, Alysia Johnson, Sherri Brown, Alysia Davis, Kathleen Karl, Gibran Sandine, Carolyn Tamanaha, Marylyn Peralta, James Lyle, Mailee Vue, Mackenzie Peeler, Mary Rardin, Lisa Severson, Shannon Riggs, Michelle Powell, Elba Escamilla, Kristi Sternitzke-Morton, Neil Kahl, Dana Cartwright, Albert Orenacia, Nomi Smith, Racquel Green, Glaiza Kordus, Connie Coca, Christopher Harvey, Elisabeth Wood, Kiriakia Reutov, Sandra Taylor, Kristina Kolomeychuk, Lawrence Yuquimpo, Jennifer Vlasoff, Jessica Hulet, Maricel Tiu,**

Gaojer Yang, Virginia Ravina, James Driggers, Michelle Oakey, Amber Vanderlinden, Adam Maccabee, Ma Salao, Apolla Mojica, Constance Srebernak, Ashley Moitoso, Kelli Anderson, Bonny Holm, Agnes Velasco, it was:

**RESOLVED** to accept the continuing education audits for the above mentioned pharmacy technicians, who demonstrated compliance with the continuing education requirements under 12 AAC 52.300 – 12 AAC 52.350 for the 2016 – 2018 renewal period.

APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x		
Richard Holt	x		
Phil Sanders	x		
Lana Bell	x		
Tammy Lindemuth	x		
James Henderson			x
Sharon Long			x

The motion passed with no further discussion.

#### **TASK 22**

Ms. Carrillo and Mr. Thompson will send audit closed letters to the pharmacists whose continuing education audits were accepted. Audit flags will also be removed from these licensee's records and those who have not complied with the audit will be contacted by the paralegal.

*(In-process as of 03/14/19; Ms. Carrillo sent Marilyn Zimmerman an email regarding licensees who did not appear to comply with the continuing education requirement).*

The board would be reviewing tabled applications on March 8<sup>th</sup>.

#### Applications and Forms

Ms. Carrillo provided a spreadsheet on completed application updates and in-process updates for the board to review.

#### Annual Report

Chair Holt commented he would begin the initial draft of the annual report due June 1<sup>st</sup>.

#### **TASK 23**

Chair Holt will work on the annual report due June 1<sup>st</sup>.

*(In-progress).*

**Agenda Item 14      Review Lost/Stolen Rx**

**Time: 3:56 p.m.**

The board reviewed the DEA form for Safeway Pharmacy #1820 (license #120100). Chair Holt noted this was the third report in the past 24 months. They also reviewed the initial notification from Geneva Woods Mat-Su Pharmacy (PHAR414).

#### **TASK 24**

Ms. Carrillo will email Kristin Martin to inquire as to whether they submitted the DEA-106 report to make sure they filed within the appropriate timeline according to federal regulation.  
*(Completed 03/14/19; Ms. Carrillo sent a follow-up email to Kristin Martin).*

#### **Agenda Item 15      Adjourn**

**Time: 4:04 p.m.**

Tammy moved to adjourn the meeting at 4:04 p.m. and to recess until March 8<sup>th</sup>.



State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing

Alaska Board of Pharmacy

MINUTES OF THE MEETING

March 8, 2019 In-Person and Teleconference via OnBoard

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy was held in-person at the Robert Atwood Building, Conference Room ACC in Anchorage, Alaska and at the State Office Building, 9<sup>th</sup> Floor, Commissioner's Conference Room in Juneau, Alaska on March 7<sup>th</sup> and 8<sup>th</sup>, 2019.

Agenda Item 16     Call to Order/Roll Call

Time: 9:08 a.m.

The **March 8, 2019** meeting day was called to order by Chair, Rich Holt at 9:08 a.m.

Board members present, constituting a quorum:

Richard Holt, PharmD #PHAP2008, MBA – *Chair*  
Leif Holm, PharmD #PHAP1606 (Absent)  
Phil Sanders, RPh #PHAP776  
James Henderson, RPh #PHAP1683 (Absent)  
Lana Bell, RPh #PHAP893  
Tammy Lindemuth, Public Member  
Sharon Long, Public Member (Absent)

Division staff present:

Norman Thompson, Occupational Licensing Examiner  
Laura Carrillo, Executive Administrator

Members from the public present:

Jordan Hussey, #123640 (via Anchorage)  
Nancy Kavan, #PHAP1069 (via Anchorage)

Agenda Item 17     Review/Approve Agenda

Time: 9:09 a.m.

The board reviewed the agenda for day 2, and Chair Holt suggested adding nominations to the CSAC and tabled applications from the previous day to agenda item #22.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and approved unanimously, it was**

**RESOLVED to accept the March 8, 2019 agenda as amended.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**Agenda Item 18     New Business (Part II)**

**Time: 9:12 a.m.**

The board then moved on to new business.

Suicide Prevention Proposal

Nancy Kavan was present from the public to propose the board mandate suicide a prevention training program for all pharmacists and pharmacy technicians. In Ms. Kavan's PowerPoint presentation, she first highlighted that Alaska had the second highest age-adjusted suicide rate in the nation in 2016 and that its emotional, medical, and economic impact constitutes a public health crisis. Ms. Kavan commented that the statewide suicide prevention council came up with a document in 2018 titled, Recasting the Net: Promoting Wellness to Prevent Suicide; which is a comprehensive state plan addressing goals and strategies to prevent suicide. Of particular focus was a strategy that health care providers understand how to recognize the signs of suicide risk, talk with and screen patients about suicide, and connect patients to appropriate treatment and support services.

Ms. Kavan informed the board that Washington came up with a mandatory suicide prevention training program through legislation RCW 43.70.442, which mandates pharmacists complete a one-time 3-hour course, offered both live and online, covering topics related to suicide screening and referral, and assessment of issues related to recognizing imminent harm. Ms. Kavan prosed that pharmacists and technicians participate a one-time training similar to Washington's, but that it doesn't have to be three-hours. Nancy indicated she hopes to work closely with Alaska Department of Human Services to promote the program through the Alaska Pharmacy

Association and through the board, which she hoped would take effect for the next renewal. Ms. Kavan further stated that the aim is for pharmacy personnel to be able to recognize if a person seems different than usual, to assess patient moods, ask open-ended questions, screen patients for prescriptions used to treat mental disorders, conditions that compromise quality of life, and be involved with the treatment team. Ms. Kavan cited the Good Samaritan law, which could help support pharmacy personnel by it addressing liability concerns.

Lana Bell inquired asked whether the program is certified since 12 AAC 52.340(a)(1) indicates that programs approved for continuing education purposes must be ACPE-accredited. Chair Holt commented that the board would need to amend regulations to mandate suicide training, and the good Samaritan law is civil, which the board may not have jurisdiction over. Phil Sanders commented that when the board considers mandating topic-specific continuing education, we need to also think about other important topics, such as HIV.

**Agenda Item 19      Board Business (Part II)**

**Time: 9:35 a.m.**

Approve Meeting Minutes

The board reviewed the November 29<sup>th</sup>, 2018 draft minutes written by Occupational Licensing Examiner, Andy Khmelev, and commented that there were no edits to be made.

**On a motion duly made by Tammy Lindemuth, Seconded by Rich Holt and with unanimous approval to accept the November 29<sup>th</sup>, 2018 meeting minutes, it was:**

**RESOLVED to approve the November 29<sup>th</sup>, 2018 meeting minutes as written.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**TASK 23**

Ms. Carrillo will ask Andy Khmelev and Rich Holt for their signatures before posting the final meeting minutes to the board's page.

Review/Draft Regulations: military licensing

Chair Holt addressed regulations for military licensing, which the board currently doesn't address in 12 AAC 52. In the draft language provided in the packet, Chair Holt struck the language indicating a courtesy military license would be valid for 90 days, since AS 08.01.063(c) states that such a license is actually valid for 180 days. Chair Holt pointed to 12 AAC 52.100 as being an appropriate section in which to address this type of licensure. Tammy Lindemuth commented on the title of this section, which currently indicates it applies to temporary licensure only; Ms. Lindemuth suggested retitling it to conspicuously indicate it applies to military licensing. Ms. Carrillo inquired to the board why it would only be valid temporarily without the ability to renew. Ms. Bell clarified that the intent of the military license is to provide a means for them to work legally while waiting for their permanent pharmacist license.

Phil Sanders inquired into who the military licensing applies to. Ms. Carrillo pulled up AS 08.01.063 states that the military courtesy license also applies to the spouse of the military personnel, and commented on the existing form for expediting the application process for military spouses, form #08-4580. Mr. Sanders pointed out in AS 08.01.063(a) that it says "may" instead of "shall"; however, Ms. Carrillo stated that there's an expectation that boards address military licensing as it's been an ongoing topic of discussion for years. Chair Holt suggested amending the language making reference to pharmacists only, since the temporary license could apply to pharmacy interns and technicians as well. Ms. Lindemuth also pointed out that the language referencing the pharmacist license fee should be amended to apply to licensees generally.

Ms. Bell commented on the importance of properly screening applicants to ensure they hold a valid license in another state. Ms. Carrillo inquired to the board whether the proposed section of number (4) relating to the applicant needing to submit a license transfer application to the NABP would be redundant to the proposed section of number (8) requiring a license verification from another state. The board discussed how the NABP license transfer application may delay the process and determined that given the requirement to provide a copy of a current license in another jurisdiction, it wouldn't be necessary to require the applicant arrange with the NABP to provide a license transfer application. The board reviewed the qualifications for licensure under AS 08.80.110, which requires the applicant be fluent in reading, writing, and speaking of the English language, provide two affidavits of moral character, be a graduate of college in a degree program approved by the board, pass an exam given by the board, and have completed internship training or other program approved by the board. Lana suggested that theoretically, the proposed military licensing section is similar to the reciprocity license application, but is expedited.

#### **TASK 24**

Rich will send Ms. Carrillo the revised version of the military draft for inclusion into the meeting minutes for this meeting.

#### Review/Draft Regulations: licensure by reciprocity

The board then moved onto the next section, 12 AAC 52.095, application for pharmacist license by reciprocity. Chair Holt clarified that he struck language in this section and added language to indicate that unless the applicant provides a response to the professional fitness section, board

staff could review and approve the application based on checklist items provided under that section. Ms. Carrillo inquired whether the purpose of creating sections such that they're a checklist, it would allow the board staff to review and approve the application without board review and approval, to which chair Holt affirmed.

Review/Draft Regulations: licensure by examination

The board then moved onto reviewing the proposed language of 12 AAC 52.070 pertaining to licensure by examination, which similarly amends this section to provide for a checklist review process by board staff.

Review/Draft Regulations: emergency preparedness

The board then moved onto discussion emergency preparedness under 12 AAC 52.993. The intent of this section is to create new regulations to guide pharmacies in how to handle prescriptions during a declared emergency by the board and/or the Governor. Ms. Bell inquired how the board would specify emergency situations and commented that emergency situations are under the purview of FEMA. Chair Holt inquired how the board would address emergencies occurring in Canada that would force the pharmacist to relocate to Alaska. The board ultimately decided to change this section to accommodate other jurisdictions, including Canada. The board then moved onto the proposed section, c, and Chair Holt proposed adding other substances, such as controlled substances. Ms. Bell then stated the need to assess the continuation of care and verify that the patient in fact requires the medication. Chair Holt stated that if this section applies to refills, it already implies that the pharmacist must have to verify the legitimacy of the prescription. Chair Holt inquired about how to verify the transfer of a medication of a patient in Alaska who came from Puerto Rico where an emergency is occurring, pointing to the proposed section, c, which proposes verifying in the jurisdiction where the emergency exists. Ms. Bell reiterated that we truly have an emergency when the emergency is occurring in Alaska. The board reviewed statutes and regulations of the medical board that addressed emergency responses, including emergencies declared by the governor under AS 26.23.020. To Ms. Bell's point in that FEMA will circumvent pharmacy requirements in the event of the emergency, Chair stated it would be appropriate to strike the language in the proposed section (e).

Chair Holt called for break at 11:01 a.m.

*Off record at 11:01 a.m.*

*On record at 11:10 a.m.*

Review/Draft Regulations: refills

The board then discussed 12 AAC 52.470 related to refills, specifically the section indicating a 100-day supply "on refills", which Rich proposed to be changed to "on the original prescription drug order and future refills". Mr. Sanders reminded the board that the intent was to minimize waste of a prescription, offering this scenario: if patient came to facility, the pharmacist could fill up to 100 tablets, and if a patient was going on a vacation and came back for 100 tablets, would pharmacist be limited to filling at 100 increments for the duration of the refill amount? The board continued

to discuss refills, and Chair Holt indicated he would make edits to the draft for inclusion into the meeting minutes.

Review/Draft Regulations: examination requirements

The board looked at 12 AAC 52.090 and recalled the discussion regarding having to retake the NAPLEX exam or reapply for licensure. The existing sections, f and g, were not quite coinciding, so the board discussed amending these sections to align with centralized regulations indicating a stale application occurs after 12 months since the date of last correspondence. Licensing Examiner, Norman Thompson, clarified that (g) of this section references licensure by reciprocity under AS 08.80.145.

**TASK 25**

Rich and Ms. Carrillo will look into whether existing sections in 12 AAC 52.470(f)(g) is more stringent than NABPs guidelines. Is the requirement to retake the MPJE after one year an NABP requirement?

*(Completed 03/18/19; Ms. Carrillo sent an email to the NABP inquiring about whether they have guidelines/requirements addressing reapplying for licensure after one year of not passing the MPJE or NAPLEX.)*

Review/Draft Regulations: emergency pharmacist permit

The board then moved to reviewing comments made by AG, Bob Auth, on their pending regulation project. Regarding 12 AAC 52.110, the board had proposed language to expedite the processing of emergency pharmacist permit, which they suggested requiring approval by only two consulting board members. Mr. Auth commented that there is no statutory authority allowing the board to approve an application with less than a quorum. The board will strike the language for two licensed board members per Mr. Auth's comment.

Review/Draft Regulations: wholesale drug distributor license

The board reviewed Mr. Auth's comment on 12 AAC 52.610, which states to make the paragraph a checklist. The board agreed with proposed amendments by Mr. Auth.

Review/Draft Regulations: drug storage

The board moved to 12 AAC 52.630 to address the USP. Mr. Auth commented that the board cannot adopt a document without a specific published date, so the board suggested striking "or official united states pharmacopeia (USP) 1995 revision, compendium requirements", "if a temperature requirement is not listed for a drug, the drug may be stored at controlled...", and the editor's note related to the USP.

Review/Draft Regulations: drug storage

The board reviewed laws comment of the proposed section, 12 AAC 52.696(h), which asked whether outsourcing facilities need to be defined since it's defined in AS 08.80.480(20). Based on previous guidance provided to the board by Megyn Greider, it is not necessary to restate what is in regulation; strike h.

1270 The board continued to discuss their in-process regulations draft.

1271

1272 **Agenda Item 20      Lunch**

**Time: 1:05 p.m.**

1273

1274 Chair Holt called for lunch at 1:05 p.m.

1275 *Off record at 12:10 p.m.*

1276 *On record at 1:05 p.m.*

1277

1278 **Agenda Item 19      Board Business (Part II)**

**Time: 1:07 p.m.**

1279

1280 The board returned from lunch to resume discussion on regulations.

1281

1282 Review/Draft Regulations: verification prior to purchase from wholesaler

1283 Ms. Carrillo informed the board that she had spoken with an individual who had inquired about  
1284 whether Alaska has laws mandating wholesalers to first verify the identify of the purchaser prior to  
1285 a sale as does Arizona. Arizona's law states that "a full service wholesaler permittee may furnish  
1286 prescription drugs only to a pharmacy or medical practitioner. The full service wholesaler  
1287 permittee must first verify that person holds a valid license or permit" under Arizona Rev. Stat.  
1288 Statute 32-198(B). The board suggested adding language to 12 AAC 52.620 under a new  
1289 subsection d: "A wholesale drug distributor facility seeking to ship or distribute prescription drugs  
1290 in this State must first verify that the purchaser of the prescription drugs holds a valid license  
1291 under AS 08."

1292

1293 Review/Draft Regulations: accepting electronic license verifications

1294 The board addressed whether it would be acceptable to allow electronic, as opposed to hardcopy,  
1295 license verifications, given the document is being sent by a primary source. Ms. Carrillo  
1296 commented that many states are shifting away from mailing hardcopy license verifications and  
1297 instead are moving towards verifying credentials online. The board considered changing 12 AAC  
1298 52.095(c)(8) to: "verification **through a form provided by the department or electronic**  
1299 **primary source** that the applicant is currently licensed as a pharmacist in another licensing  
1300 jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or  
1301 otherwise restricted except for failure to apply for renewal or failure to obtain the required  
1302 continuing education requirements;"

1303

1304 Review/Draft Regulations: fingerprinting

1305 The board discussed fingerprinting requirements as these are currently only required to facility  
1306 managers of in-state facilities. Chair Holt informed the board that fingerprinting only screens for  
1307 Alaska criminal background check history, and Ms. Carrillo added that to screen for national  
1308 background check history, it would require a statute change for the board to be included in AS  
1309 12.62.400.

1310

1311

1312

Review/Draft Regulations: intern requirements

The board revisited comments from Thomas Wadsworth, who brought to the board's attention the issues with overlap in pharmacy technician and intern duties. The board ultimately decided to amend regulations such that pharmacy interns could return their pharmacy technician license for invalidation once they have received their intern license. Ms. Carrillo stated that the procedure will be to give the technician license an expiration date one-day following the initial issue date of the intern license.

Review/Draft Regulations: approved programs

The board addressed 12 AAC 52.340(a)(1) regarding pharmacist and pharmacy technician continuing education requirements. Previously, the board indicated on their frequently asked questions page that pharmacists could only participate in ACPE courses designated with a "p" indicating it is intended for pharmacists, and that pharmacy technicians could only participate in courses designated with a "t" in order to have those hours count towards their continuing education requirement. As Thomas Wadsworth and Leif Holm had suggested, the board ultimately determined it was appropriate to allow participation for any course, regardless of whether it is designated for pharmacists or technicians.

The board continued to discuss their in-process regulation project before moving to discussion on pharmacists in charge. The board discussed whether there could be more than one pharmacist-in-charge (PIC) who could be the PIC for more than one pharmacy at a time. Ms. Bell commented whether there could be an immediate PIC and a remote PIC. The board decided to continue this discussion at their next meeting. The board also discussed moral turpitude, proof of licensure for IHS, and substitutions.

**TASK 26**

Ms. Carrillo will add the topic of multiple PICs for discussion at the board's next meeting. *(Ongoing)*.

**TASK 27**

Phil Sanders will continue to work on collection programs for unused medications. *(Ongoing)*.

**TASK 28**

Rich Holt will continue working on the nationally certified technician regulations, including addressing limitations on immunizations, clarifying non-controlled prescription drug order information, and transferring of prescription drug orders between pharmacies. *(Ongoing)*.

**On a motion duly made by Rich Holt, Seconded by Tammy Lindemuth, and with unanimous approval to release the proposed regulations to public comment, except for 12 AAC 52.470(f)(g), it was:**



**RESOLVED** to approve the proposed draft regulations for public comment.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**TASK 29**

Ms. Carrillo will forward the regulations draft to regulations, specialist, Jun Maiquis for public comment, but will not include proposed changes to 12 AAC 52.470(f)(g).

--DRAFT REGULATIONS AS DISCUSSED AND APPROVED AT THIS MEETING ARE  
APPENDED TO THIS DOCUMENT--

**Agenda Item 22     Administrative Business**

**Time: 3:01 p.m.**

Nominations

The board addressed nominations, beginning with the Controlled Substance Advisory Committee (CSAC), which meets at least twice a year, Chair Holt inquired whether the chair of the CSAC has to be a pharmacist, to which Ms. Carrillo stated no, as it can be the board of pharmacy chair or the designee. Ms. Bell and Ms. Lindemuth discussed the role of the CSAC chair. The board also discussed the role of chair, vice chair, and secretary.

**On a motion duly made by Rich Holt and with unanimous approval to nominate the board chair as Rich Holt, Vice Chair as Phil Sanders, and Secretary as Lana Bell, it was:**

**RESOLVED** to nominate the chair, vice chair, and secretary as voted.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x

1397 Sharon Long x

1398  
1399  
1400  
1401  
1402  
1403  
1404  
1405  
1406  
1407  
1408  
1409  
1410  
1411  
1412  
1413  
1414  
1415  
1416  
1417  
1418  
1419  
1420  
1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1430  
1431  
1432  
1433  
1434  
1435  
1436  
1437  
1438

The motion passed with no further discussion.

**Agenda Item 21      Board Business (Part II)      Time: 3:15 p.m.**

The board returned to tabled applications and application that were uploaded to OnBoard for the online February online mail voting period, which were not discussed the previous day as scheduled.

**On a motion duly made by Rich Holt in accordance with AS 44.62.310(c)(2), the board unanimously moved to enter executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**

Staff members, Laura Carrillo and Norman Thompson were authorized to remain in the room.

*Off record for executive session at 3:15 p.m.*

*On record for public discussion at 3:45 p.m.*

Upon return from executive session, Chair Holt clarified for the record that no motions were made under executive session.

**On a motion duly made by Lana Bell, seconded by Rich Holt, and with unanimous consent to approve the application of pharmacy technician, Rochelle Sakar, it was:**

**RESOLVED to approve the pharmacy technician application for Rochelle Sakar.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**TASK 30**

Mr. Thompson will process the pharmacy technician application for Rochelle Sakar upon return to the office.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacist application of Yibo Sun pending confirmation of a passing MPJE score, it was:**

**RESOLVED** to approve the pharmacist application of Yibo Sun pending a passing MPJE score.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacist application of Fred Cazeau pending confirmation of a passing MPJE score, it was:**

**RESOLVED** to approve the pharmacist application of Fred Cazeau pending a passing MPJE score.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacist application of Katie Schumacher, it was:**

**RESOLVED** to approve the pharmacist application of Katie Schumacher.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm			x	x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion; however, it is noted that Leif Holm had previously abstained during the February OnBoard voting ballot period as Ms. Schumacher is a prospective employee.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacist application of Michael Anczak pending confirmation of a passing MPJE score, it was:**

**RESOLVED** to approve the pharmacist application of Michael Anczak pending a passing MPJE score.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

**On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacy application of Geneva Woods Infusion Pharmacy (previously Coram CVS), it was:**

**RESOLVED** to approve the pharmacy application of Geneva Woods Infusion Pharmacy.

	APPROVE	DENY	ABSTAIN	ABSENT
1521				
1522	Leif Holm			x
1523	Richard Holt	x		
1524	Phil Sanders	x		
1525	Lana Bell	x		
1526	Tammy Lindemuth	x		
1527	James Henderson			x
1528	Sharon Long			x

1529  
1530 The motion passed with no further discussion.

1531  
1532 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1533 **unanimous consent to approve the pharmacy application of Northwest Compounders, it**  
1534 **was:**

1535  
1536 **RESOLVED to approve the pharmacy application of Northwest Compounders.**

	APPROVE	DENY	ABSTAIN	ABSENT
1537				
1538	Leif Holm			x
1539	Richard Holt	x		
1540	Phil Sanders	x		
1541	Lana Bell	x		
1542	Tammy Lindemuth	x		
1543	James Henderson			x
1544	Sharon Long			x

1545  
1546  
1547 The motion passed with no further discussion.

1548  
1549 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1550 **unanimous consent to approve the pharmacy application of Airgas USA, LLC (143078), it**  
1551 **was:**

1552  
1553 **RESOLVED to approve the pharmacy application of Airgas USA, LLC (143078).**

	APPROVE	DENY	ABSTAIN	ABSENT
1554				
1555	Leif Holm			x
1556	Richard Holt	x		
1557	Phil Sanders	x		
1558	Lana Bell	x		
1559	Tammy Lindemuth	x		

1561	James Henderson	x
1562	Sharon Long	x

1563

1564 The motion passed with no further discussion.

1565

1566 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
 1567 **unanimous consent to approve the pharmacy application of Airgas USA, LLC (143084), it**  
 1568 **was:**

1569

1570 **RESOLVED to approve the pharmacy application of Airgas USA, LLC (143084).**

1571

1572	APPROVE	DENY	ABSTAIN	ABSENT
1573	Leif Holm			x
1574	Richard Holt	x		
1575	Phil Sanders	x		
1576	Lana Bell	x		
1577	Tammy Lindemuth	x		
1578	James Henderson			x
1579	Sharon Long			x

1580

1581 The motion passed with no further discussion.

1582

1583 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
 1584 **unanimous consent to approve the pharmacy application of Airgas USA, LLC (143088), it**  
 1585 **was:**

1586

1587 **RESOLVED to approve the pharmacy application of Airgas USA, LLC (143088).**

1588

1589	APPROVE	DENY	ABSTAIN	ABSENT
1590	Leif Holm			x
1591	Richard Holt	x		
1592	Phil Sanders	x		
1593	Lana Bell	x		
1594	Tammy Lindemuth	x		
1595	James Henderson			x
1596	Sharon Long			x

1597

1598 The motion passed with no further discussion.

1599

On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacy application of Airgas USA, LLC (143090), it was:

**RESOLVED** to approve the pharmacy application of Airgas USA, LLC (143090).

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacy application of Airgas USA, LLC (143055), it was:

**RESOLVED** to approve the pharmacy application of Airgas USA, LLC (143055).

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				x
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson				x
Sharon Long				x

The motion passed with no further discussion.

On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with unanimous consent to approve the pharmacy application of Airgas USA, LLC (143023), it was:

**RESOLVED** to approve the pharmacy application of Airgas USA, LLC (143023).

	APPROVE	DENY	ABSTAIN	ABSENT
1641				
1642	Leif Holm			x
1643	Richard Holt	x		
1644	Phil Sanders	x		
1645	Lana Bell	x		
1646	Tammy Lindemuth	x		
1647	James Henderson			x
1648	Sharon Long			x

1649  
1650 The motion passed with no further discussion.

1651  
1652 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1653 **unanimous consent to approve the immunization collaborative practice agreement for**  
1654 **Fred Meyer Pharmacy (PHAR384) between pharmacist, Aaron Newland, and practitioner,**  
1655 **Leeann Mercier, it was:**

1656  
1657 **RESOLVED to approve the immunization collaborative practice agreement for**  
1658 **Fred Meyer (PHAR384), Aaron Newland, and Leann Mercier.**

	APPROVE	DENY	ABSTAIN	ABSENT
1660				
1661	Leif Holm			x
1662	Richard Holt	x		
1663	Phil Sanders	x		
1664	Lana Bell	x		
1665	Tammy Lindemuth	x		
1666	James Henderson			x
1667	Sharon Long			x

1668  
1669 The motion passed with no further discussion.

1670  
1671 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1672 **unanimous consent to approve the immunization collaborative practice agreement for**  
1673 **Fred Meyer Pharmacy (PHAR393) between pharmacists, Jeremy Ratliff, Scottie LeClaire,**  
1674 **Laci Grobe, Karen Putnam, Charles Barnett, and practitioner, Leeann Mercier, it was:**

1675  
1676 **RESOLVED to approve the immunization collaborative practice agreement for**  
1677 **Fred Meyer (PHAR393), Jeremy Ratliff, Scottie LeClaire, Laci Grobe, Karen Putnam,**  
1678 **Charles Barnett, and Leann Mercier.**

1679  
1680  
1681



	APPROVE	DENY	ABSTAIN	ABSENT
1682				
1683	Leif Holm			x
1684	Richard Holt	x		
1685	Phil Sanders	x		
1686	Lana Bell	x		
1687	Tammy Lindemuth	x		
1688	James Henderson			x
1689	Sharon Long			x

1690  
1691 The motion passed with no further discussion.

1692  
1693 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1694 **unanimous consent to approve the Coumadin/INR Monitoring collaborative practice**  
1695 **agreement for Anchorage Neighborhood Health Center (PHAR480) between pharmacists,**  
1696 **Ryan Ruggles and Chantele Muffoletto, and practitioner, Wendy Sanders, it was:**

1697  
1698 **RESOLVED to approve the Coumadin/INR Monitoring collaborative practice**  
1699 **agreement for Anchorage Neighborhood Health Center (PHAR480), Ryan Ruggles,**  
1700 **Chantele Mufoletto, and Wendy Sanders.**

	APPROVE	DENY	ABSTAIN	ABSENT
1702				
1703	Leif Holm			x
1704	Richard Holt	x		
1705	Phil Sanders	x		
1706	Lana Bell	x		
1707	Tammy Lindemuth	x		
1708	James Henderson			x
1709	Sharon Long			x

1710  
1711 The motion passed with no further discussion.

1712  
1713 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
1714 **unanimous consent to approve the immunization collaborative practice agreement for**  
1715 **Fred Meyer Pharmacy #071 (PHAR388) between pharmacists, Anthony Schnese (and all**  
1716 **other employed pharmacists), and practitioner, Leeann Mercier, it was:**

1717  
1718 **RESOLVED to approve the immunization collaborative practice agreement for**  
1719 **Fred Meyer #071 (PHAR388), all participating pharmacists, and Leeann Mercier.**

1720  
1721  
1722

	APPROVE	DENY	ABSTAIN	ABSENT
1723				
1724	Leif Holm			x
1725	Richard Holt	x		
1726	Phil Sanders	x		
1727	Lana Bell	x		
1728	Tammy Lindemuth	x		
1729	James Henderson			x
1730	Sharon Long			x

1731

1732 The motion passed with no further discussion

1733

1734 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
 1735 **unanimous consent to approve the immunization collaborative practice agreement for**  
 1736 **Fred Meyer Pharmacy #158 (PHAR389) between pharmacist, Michael Taylor (and all**  
 1737 **other employed pharmacists), and practitioner, Leeann Mercier, it was:**

1738

1739 **RESOLVED to approve the immunization collaborative practice agreement for**  
 1740 **Fred Meyer #158 (PHAR389), all participating pharmacists, and Leeann Mercier.**

1741

	APPROVE	DENY	ABSTAIN	ABSENT
1742				
1743	Leif Holm			x
1744	Richard Holt	x		
1745	Phil Sanders	x		
1746	Lana Bell	x		
1747	Tammy Lindemuth	x		
1748	James Henderson			x
1749	Sharon Long			x

1750

1751 The motion passed with no further discussion

1752

1753

1754 **On a motion duly made by Lana Bell, seconded by Tammy Lindemuth, and with**  
 1755 **unanimous consent to approve the immunization collaborative practice agreement for**  
 1756 **Fred Meyer Pharmacy #18 (PHAR387) between pharmacist, Kimberly West (and all other**  
 1757 **employed pharmacists), and practitioner, Leeann Mercier, it was:**

1758

1759 **RESOLVED to approve the immunization collaborative practice agreement for**  
 1760 **Fred Meyer #18 (PHAR387), all participating pharmacists, and Leeann Mercier.**

1761

1762

1763

	APPROVE	DENY	ABSTAIN	ABSENT
1764				
1765	Leif Holm			x
1766	Richard Holt	x		
1767	Phil Sanders	x		
1768	Lana Bell	x		
1769	Tammy Lindemuth	x		
1770	James Henderson			x
1771	Sharon Long			x

1772  
1773 The motion passed with no further discussion

1774  
1775 **TASK 31**

1776 Mr. Thompson will issue licenses and collaborative practices approved during this meeting.  
1777 *(In-process).*

1778  
1779 In the interest of time, the board was not able to get to reviewing the pharmacy technician  
1780 applications for Andrew Hammer-Licka and Lisa Speckels; pharmacist applications for Dana  
1781 Alkire, Chelsea Gwinn, and Robert Harrison; facility applications for Alpine Surgery Center,  
1782 Biologics; and the collaborative practice agreement application for PHAR355 between Mr.  
1783 McEntee and practitioner Mortenson.

1784  
1785 **TASK 32**

1786 Mr. Thomspson will import the outstanding applications to OnBoard for the March review period  
1787 beginning March 15<sup>th</sup> and ending on March 29<sup>th</sup>.

1788  
1789 **Agenda Item 22      Administrative Business      Time: 3:48 p.m.**

1790  
1791 Wall Certificates

1792 Ms. Carrillo commented that the new process for issuing wall certificates is that due to travel  
1793 restrictions, board staff would be signing wall certificates instead of the board chair/board  
1794 members.

1795  
1796 Travel Receipts

1797 There were no travel receipts to collect.

1798  
1799 Task List

1800 Ms. Carrillo reviewed the task list from the previous meeting, which can be found in the previous  
1801 meeting minutes.

1802  
1803 Next Meeting

1804 The board's next meeting dates would be June 6<sup>th</sup> and 7<sup>th</sup> and September 5<sup>th</sup> and 6<sup>th</sup>.

1805

1806 **TASK 33**

1807 Ms. Carrillo will poll all board members for their ability to attend the June and September  
1808 teleconference meetings.

1809

1810      **Agenda Item 21**      **Adjourn**

Time: 3:59 p.m.

1811

1812 Chair Holt moved to adjourn the meeting at 3:59 p.m.

1813

1814

1815

1816

1816 Laura Carrillo 11/26/2019

1818 Laura Carrillo, Executive Administrator Date

1819

1820

1821

1822

1823	Richard Holt, Board Chair	Date
------	---------------------------	------

1824

**Chapter 52. Board of Pharmacy.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 52 is amended by adding a new section to read:

**12 AAC 52.150. Proof of Licensure for individual pharmacists working for tribal health programs.** (a) A pharmacist who engages in the practice of pharmacy in a tribal health program in this state and who is not already licensed by the board must provide the board notice that they are practicing under another license in accordance with 25 U.S.C. 1621t (sec. 221, Indian Health Care Improvement Act). Notice required under this section must be received no later than 30 days after an individual begins working at a tribal health program in this state, and must include

(1) a completed Alaska state pharmacist license exemption form provided by the department;

(2) a certified true copy of a current, valid pharmacist license in good standing from another jurisdiction; and

(3) (a) proof of employment by a tribal health program that is operating under an agreement with the federal Indian Health Service under 25 U.S.C. 450-458ddd-2 (Indian Self-Determination and Education Assistance Act); or

(b) proof of status as an independent contractor, including a copy of the contract, if the out-of-state pharmacist is working for the tribal health program as an independent contractor.

(b) A pharmacist practicing under the exemption may not practice beyond the scope of the other state license.

(c) The licensing exemption does not extend to services provided to a non-tribal health

Register \_\_\_\_\_, \_\_\_\_\_ 2018 **PROFESSIONAL REGULATIONS**

program. In addition, an out-of-state licensed pharmacist working outside the scope of their contracted employment with a tribal health program must apply for licensure as a pharmacist in accordance with AS 08.80. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.003 AS 08.80.005 AS 08.80.030

12 AAC 52.240(b) is amended by adding new paragraphs to read:

(9) a prohibition on the administration or dispensing of any schedule I, II, III, or IV controlled substances; and

(10) an acknowledgement that the authorizing practitioner will not receive any compensation from a pharmacist or pharmacy as a result of the care or treatment of any patient under the agreement.

(Eff. 11/10/2001, Register 160; am 2/11/2004, Register 169; am 11/16/2012, Register 204; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.030 AS 08.80.480

12 AAC 52.423(c) is amended to read:

(c) An applicant for renewal of a remote pharmacy license must comply with the requirements of 12 AAC 52.300. [A REMOTE PHARMACY LICENSE MAY NOT BE RENEWED IF A NON-REMOTE PHARMACY OPENS FOR BUSINESS WITHIN TEN ROAD MILES OF THE REMOTE PHARMACY SITE UNLESS THE NON-REMOTE PHARMACY IS PREVENTED BY FEDERAL LAW FROM PROVIDING PHARMACY SERVICES TO ALL THE INDIVIDUALS WITHIN THE TEN ROAD MILES.] (Eff. 9/17/2011, Register 199; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52.425(a) is amended to read:

(a) Only a **pharmacist employed by a** central pharmacy located in this state may provide pharmacy services to a remote pharmacy through a telepharmacy system. A telepharmacy system must be conducted under the direct supervision of a pharmacist **located in this state**. The pharmacist-in-charge of a **remote** [CENTRAL] pharmacy may supervise one or more remote pharmacies.

The introductory language of 12 AAC 52.425(b) is amended to read:

(b) Before a **pharmacist employed by a** central pharmacy may provide pharmacy services to a remote pharmacy, the telepharmacy system between the central pharmacy and remote pharmacy must be tested by the supervising pharmacist of the central pharmacy and found to operate properly. The supervising pharmacist of the central pharmacy shall make the results of the test available to the board upon request. The computer link and video link with sound of the telepharmacy system must include at least one of the following:

• • •

12 AAC 52.425(e) is amended to read:

(e) Drugs may be shipped to a remote pharmacy [ONLY] from the central pharmacy **or a wholesale distributor**. Drugs must be shipped in a sealed container with an itemized list of the product contained. The itemized list of drugs shipped must be kept on file at both the central pharmacy and the remote pharmacy for at least two years from the date that the drugs are shipped. [ITEMIZED RECORDS OF DRUGS SHIPPED OR RECEIVED MUST BE  
10/3/17 Draft [3/8/19 BOP Approved for Public Comment)

Register \_\_\_\_\_, \_\_\_\_\_ 2018 **PROFESSIONAL REGULATIONS**

VERIFIED BY THE SUPERVISING PHARMACIST AT BOTH THE CENTRAL PHARMACY AND THE REMOTE PHARMACY.]

12 AAC 52.425(f) is amended to read:

(f) A remote pharmacy must keep a record of all prescriptions filled at that location. The central pharmacy must **have access to the records** [ALSO MAINTAIN A RECORD] of the prescriptions **dispensed by** [FILLED AT] the remote pharmacy. [THE RECORD MUST DISTINGUISH PRESCRIPTIONS FILLED AT THE REMOTE PHARMACY FROM THOSE FILLED AT THE CENTRAL PHARMACY AND AT OTHER REMOTE PHARMACY LOCATIONS.]

12 AAC 52.425(g) is amended to read:

(g) The prescription label of a prescription drug **dispensed** [DISTRIBUTED] by a remote pharmacy must meet the requirements of 12 AAC 52.480.

12 AAC 52.425(h) is amended to read:

(h) Under a telepharmacy system a prescription drug is considered as being dispensed by the [CENTRAL PHARMACY AND DISTRIBUTED BY THE] remote pharmacy. A prescription drug may not be **dispensed** [DISTRIBUTED] by a remote pharmacy until a pharmacist **employed by** [AT] the central pharmacy has verified the finished prescription product through the telepharmacy system.

12 AAC 52.425(j) is repealed:

(j) Repealed \_\_\_\_/\_\_\_\_/\_\_\_\_ [THE PHARMACIST-IN-CHARGE OF THE CENTRAL PHARMACY MUST ENSURE THAT THE REMOTE PHARMACY IS IN



Register \_\_\_\_\_, \_\_\_\_\_ 2018 **PROFESSIONAL REGULATIONS**

COMPLIANCE WITH ALL LAWS, INCLUDING REGULATIONS, GOVERNING THE  
ACTIVITIES OF THE PHARMACY]. (Eff. 2/15/2006, Register 177; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_,  
Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.157

12 AAC 52 is amended by adding a new section to read:

**12 AAC 52.465. Controlled substance prescription drug orders.** (a) A prescription  
drug order for a schedule II controlled substance may be partially filled if prescribed for

(1) a terminally ill patient or a patient residing in a long term care facility, in  
accordance with 21 CFR §1306.13; or

(2) a patient who is not terminally ill or residing in a long term care facility if

(A) the partial fill is requested by the patient or the practitioner that wrote  
the prescription;

(B) the total quantity dispensed in all partial filling does not exceed the  
total quantity prescribed;

(C) each partial fill is electronically documented in the patient record;

(D) the remaining portions are filled not later than 30 days after the date  
on which the prescription is written; and

(E) it only occurs at the pharmacy where the original prescription order is  
on file. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.345

12 AAC 52.530(a) is amended to read:

(a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] pharmacy or pharmacist

Register \_\_\_\_\_, \_\_\_\_\_ 2018 **PROFESSIONAL REGULATIONS**

may [NOT] accept a drug for return or exchange after the drug has been taken from the premises where the drug was sold, distributed, or dispensed **if**

**(1) the prescription was dispensed in a manner inconsistent with the original prescription drug order; or**

**(2) the medication was recalled by the manufacturer or FDA; and**

**(3) it is segregated from the normal pharmacy inventory and may not be dispensed.**

(Eff. 1/16/98, Register 145; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030

12 AAC 52.920(a)(19) is amended to read:

(19) discriminating on the basis of race, religious creed, color, national origin, ancestry, **sexual orientation, gender identity,** or sex in the provision of a service that is part of the practice of pharmacy;

12 AAC 52.920 is amended by adding a new subsection to read:

(e) failing to meet continuing education requirements will result in a \$100 civil fine per missing continuing education credit hour for pharmacists and a \$25 civil fine per missing continuing education credit hour for technicians.

(Eff. 1/16/98, Register 145; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.075 AS 08.80.030 AS 08.80.315

AS 08.80.005 AS 08.80.261 AS 08.80.460

**Chapter 52. Board of Pharmacy.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 52.070(a) is amended to read:

(a) [THE BOARD WILL ISSUE A PHARMACIST LICENSE BY EXAMINATION TO A]

**An** applicant who meets the requirements of AS 08.80.110, 08.80.116, and **the**  
**requirements on the checklist set out in (b) of** this section **has demonstrated the**  
**necessary qualifications for a pharmacist license by examination. An applicant who**  
**does not meet the requirements on the checklist or whose responses on the form for**  
**application do not clearly show that the applicant is qualified to receive a**  
**pharmacist license will not be issued a license unless the board reviews the**  
**application and determines that the applicant meets the qualifications in this section**  
**for a pharmacist license by examination.**

(Eff. 1/16/98, Register 145; am 2/15/2006, Register 177; am 7/1/2007, Register 182; am  
\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	AS 08.80.005	AS 08.80.030	AS 08.80.110
	AS 08.80.116		

12 AAC 52.095(a) is amended to read:

(a) [THE BOARD WILL ISSUE A PHARMACIST LICENSE BY RECIPROCITY TO]

An applicant who meets the requirements of AS 08.80.145 and **the requirements on**  
**the checklist set out in (c) of** this section **has demonstrated the qualifications for a**

**pharmacist license by reciprocity. An applicant who does not meet the requirements on the checklist or whose responses on the form for application do not clearly show that the applicant is qualified to receive a pharmacist license by reciprocity will not be issued a license unless the board reviews the application and determines that the applicant meets the qualifications in this section for a pharmacist license by reciprocity.**

(Eff. 7/1/2007, Register 182; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.145

12 AAC 52.100(a) is amended to read:

**12 AAC 52. 100 Temporary [PHARMACIST] License for Military Personnel or the Spouse of Active Duty Military Personnel. (a) Military personnel or the spouse of active duty military personnel who meets the requirements of AS 08.01.064 and (b) of this section has demonstrated the necessary qualifications for a temporary license. A military personnel applicant or the spouse of an active duty personnel who does not meet the requirements on the checklist or whose responses on the form for application do not clearly show that the applicant is qualified to receive a temporary license will not be issued a temporary license unless the board reviews the application and determines that the applicant meets the qualifications in this section for a temporary license.**

12 AAC 52.100 is amended by adding a new subsection

(b) The **following checklist is established by the** board **for review of an application for a temporary license;** a temporary [PHARMACIST] license **will be issued** to [AN] a

**military personnel or the spouse of active duty military personnel** [AAPPLICANT FOR LICENSURE] if the applicant

- (1) submits a completed **d, notarized** application for licensure **on a form provided by the department;**
  - (2) provides certified evidence of meeting the requirements in AS 08.80.110, AS 08.80.145, and this chapter;
  - (3) repealed 2/26/2000;
  - (4) **repealed** / / ) [PROVIDES FOR THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) TO NOTIFY THE BOARD THAT THE APPLICANT HAS SUBMITTED A PRELIMINARY APPLICATION TO NABP FOR LICENSE TRANSFER];
  - (5) pays the application fee [, PHARMACIST LICENSE FEE] and temporary license fee required in 12 AAC 02.310;
  - (6) passes the Alaska [PHARMACY] jurisprudence **Intern Practice Questionnaire prepared by the board covering the provisions of AS 08.80 and this chapter and 21 U.S.C. 801-847 (Controlled Substance Act)** [EXAMINATION] with a [SCALED] score of 75 or above;
  - (7) has not been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely; and
  - (8) submits a verification of a current license in good standing to practice in another state or other jurisdiction with licensing requirements at least equivalent to those of this state.
- (b) An applicant whose application for permanent licensure [AS A PHARMACIST] has

been denied by the board is not eligible to receive a temporary license.

(c) A temporary license is valid for [90] **180** days. For good cause shown to the board's satisfaction, the board will extend the temporary license for an additional period not to exceed 60 days.

(d) A temporary license is not renewable.

(e) An individual may not receive more than one temporary license.

(Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 11/10/2001, Register 160; am 1/17/2007, Register 181; am 8/12/2007, Register 183; am 4/16/2016, Register 218, am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.145  
AS 08.80.150

12 AAC 52.120(b) is amended to read:

(b) The following checklist is established by the board for review by staff of an application for a pharmacist intern license. A pharmacist intern license will be issued to an applicant who

(1) [APPLIES] **submits a complete, notarized application** on a form provided by the department;

(2) pays the application fee and the pharmacist intern license fee established in 12 AAC 02.310;

(3) has

(A) enrolled in a college of pharmacy accredited by ACPE; or

(B) graduated from a college of pharmacy recognized by and earned

certification from the Foreign Pharmacy Graduate Examination Committee of the National Association of Board of Pharmacy;

(4) certifies that the applicant has not been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacy intern competently and safely;

(5) **repealed** / / [SUBMITS A DECLARATION OF SPONSORSHIP OF PHARMACY INTERN FORM COMPLETED BY THE APPLICANT'S SPONSOR PHARMACIST AT EACH WORK LOCATION FOR WHICH THE APPLICANT IS TO WORK];

(6) submits a completed authorization of release of records on a form provided by the department and signed by the applicant;

(7) submits a completed Alaska Jurisprudence Intern Practice Questionnaire prepared by the board covering the provisions of AS 08.80 and this chapter and 21 U.S.C. 801-847 (Controlled Substance Act); and

(8) submits two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character.

12 AAC 52.120(d) is amended to read:

(d) An individual must be licensed as a pharmacist intern before beginning an internship in the state. [THE PHARMACIST INTERN LICENSE IS VALID FOR ONLY THOSE WORK LOCATIONS FOR WHICH THE INDIVIDUAL PREVIOUSLY SUBMITTED SPONSORSHIP DECLARATIONS IN ACCORDANCE WITH (b)(5) OF THIS SECTION. BEFORE THE INDIVIDUAL MAY WORK AT AN ADDITIONAL WORK LOCATION, THE INDIVIDUAL MUST

(1) SUBMIT A SPONSORSHIP DECLARATION FOR THAT LOCATION IN ACCORDANCE WITH (b)(5) OF THIS SECTION; AND

(2) HAVE A REVISED LICENSE ISSUED TO THE INDIVIDUAL.]

12 AAC 52.120 is amended by adding a new subsection to read:

(e) **A pharmacist intern license supersedes a pharmacy technician license and the pharmacy technician license shall be returned to the board.**

(Eff. 1/16/98, Register 145; am 2/11/2004, Register 169; am 2/15/2006, Register 177, am 1/17/2007, Register 181; am 11/16/2012, Register 204; am 7/9/2017, Register 223; am 6/29/2018, Register 226; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.110 AS 08.80.116  
AS 08.80.030

12 AAC 52.220(b) is amended to read:

(b) Except as provided in (c) of this section, a pharmacist intern may perform any duty of a pharmacist **or pharmacy technician** under the direct supervision of a pharmacist.

(Eff. 1/16/98, Register 145; am 1/7/2007, Register 181; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.110  
AS 08.80.116 AS 08.80.410

12 AAC 52.470(d)(1)(2) is amended to read:

(d) If an original prescription drug order is prescribed as a 30-day supply, the pharmacist may dispense **any quantity so long as the** [UP TO A 100-DAY SUPPLY ON REFILLS IF



THE]

(1) total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription, including refills;

(2) drug is not a federal or state scheduled controlled substance; and

(3) [THE] pharmacist is exercising professional judgment.

(Eff. 1/16/98, Register 145; am 6/29/18, Register 226; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030

12 AAC 52 is amended by adding a new section to read:

**12 AAC 52.994 Emergency Preparedness.** (a) If, as a consequence of a natural disaster or terrorist attack, a state of emergency is declared by the governor under AS 26.23.020 which results in the inability to refill existing prescriptions, the board will cooperate with the state, borough, city, or town to assist in the provision of drugs, devices, and professional services to the public.

(b) If, as a consequence of a natural disaster or terrorist attack, a state of emergency is declared by the governor of another state or territory, or a province of Canada which results in an individual being temporarily relocated to Alaska who is unable to refill an existing prescription, the board will assist in the provision of drugs, devices, and professional services to the relocated individual.

(c) When a state of emergency has been declared, a pharmacist in the area of the declared emergency may dispense a one-time emergency refill prescription of up to a 30-day supply of a prescribed medication if

(1) in the pharmacist's professional opinion the medication is essential to the maintenance of life or to the continuation of therapy; and

(2) the pharmacist makes a good faith effort to reduce the patients prescription drug information to a written prescription marked “emergency prescription” and then files and maintains the prescription in accordance with 12 AAC 52.450.

(d) If a declared state of emergency continues for more than 21-days after a pharmacist dispenses an emergency prescription under (c) of this section, the pharmacist may dispense one additional emergency refill prescription of up to a 30-day supply of the prescribed medication.

(e) To assist during an emergency, a pharmacist who is not licensed in this state may apply for emergency licensure in accordance with 12 AAC 52.110.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030