

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

# BOARD OF PHARMACY

## CONDENSED MINUTES OF THE MEETING HELD APRIL 21, 2023

Date: April 21, 2023

Time: 09:00am – 05:00pm

Location: Anchorage: 550 W 7<sup>th</sup> Avenue, Suite 1500, Room 1550, Anchorage, AK 99501; Zoom

Attending: Board Members: Ashley Schaber, Sara Rasmussen, Carla Hebert, Ramsey Bell  
Staff: Michael Bowles, Lisa Sherrell, Amy Glenn, Sarah Jones, Sara Chambers, Holly Handley, Alison Osborne

Absent: James Henderson

### **Agenda Item #1. Roll Call/Call to Order – Board and Staff Introductions**

#### Roll Call:

Ashley Schaber - Present  
Sara Rasmussen - Present  
James Henderson - Absent  
Carla Hebert - Present  
Ramsey Bell – Present

### **Agenda Item #2 Review/Approve Agenda**

#### Brief Discussion: Introductions

Motion 1: Carla Hebert motioned to approve the agenda as written, seconded by Sara Rasmussen.

#### Motion 1 Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Absent  
Carla Hebert - Yes  
Ramsey Bell – Yes

It was resolved to approve April 21, 2023, agenda as written.

### **Agenda Item #3 Ethics Disclosures**

Brief Discussion: Ashley Schaber disclosed she is a member of the AKPhA Legislative Committee.

#### **Agenda Item #4 Review/Approve Meeting Minutes**

Motion 2: Ramsey Bell motioned to approve the February 16, 2023, meeting minutes, seconded by Sara Rasmussen.

Motion 2 Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Absent  
Carla Hebert - Yes  
Ramsey Bell – Yes

It was resolved to approve the February 16, 2023, meeting minutes as written.

Motion 3: Ramsey Bell motioned to approve the March 20, 2023, meeting minutes, seconded by Carla Hebert.

Motion 3 Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Absent  
Carla Hebert - Yes  
Ramsey Bell – Yes

It was resolved to approve the March 20, 2023, meeting minutes as written.

#### **Agenda Item #5 Public Comment Period**

Discussion:

Rob Geddes, Albertson's

- Addressed HB145
- Idaho shares similarities.
- Great opportunity to provide patient services and greater access for rural patients.
- 08.80.37(b) allows independent care-seems to allow pharmacists to practice independently.
- Requested the board consider recognizing patient benefit from access to care.

Roger Morris, Quarles and Bradey

- Addressed HB145
- Echoed the comments of Rob Geddes.
- Section (c) needs clarity. Requested specifically for “test and treat” scenarios where pharmacists can provide care and medication.

Jennifer Adams

- Recognized and thanked Ashley Schaber for her service.
- Requested the board consider retroactively extending Pharmacy Intern licenses that existed before the regulations changes on December 28, 2022.

#### **Agenda Item #6 Division Updates**

Discussion:

Administrative update

- Sarah Jones Introduction, Occupational Licensing Examiner

- Sara Chambers, Boards and Regulations Advisor
  - Discussed priorities and improvements, available tools for boards.
  - Walked through Board Member website resources.
- Michael Bowles, Executive Administrator
  - No financial report updates since February board meeting.
  - Discussed the timeline for online applications. This is currently in the works but is 1-2 years out with other Division priorities.
- Lisa Sherrell, Prescription Drug Monitoring Program (PDMP) Manager
  - Provided updates to the program, applied for BJE grant for funding.
  - Introduced Stephen Young, Project Assistant.
  - Auto approval for users has been enabled making PDMP more efficient.
  - Discussed what the grant funds and budget covers.
  - Statewide Gateway/Electronic Health Record integration update.
  - PDMP Assessment work group recommendation update.
    - PDMP is staying in DCCED.
    - Meeting in 2 weeks (Tentative May 4<sup>th</sup>) to discuss way forward.

### **Agenda Item #7 Investigative Update**

Discussion:

- Holly Handley, Investigator
  - Investigative Report from February 03, 2023, through April 06, 2023
  - Open Cases: 44
  - Closed Cases: 12
  - License Actions: 3
  - Case #2022-000749 (Confidential - Executive Session)

Motion 4: On a motion made by Carla Hebert in accordance with AS 44.62.310(c)(2) and seconded by Ashley Schaber, the board 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. No request was made for public discussion.

Motion 4 Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson - Absent

Carla Hebert - Yes

Ramsey Bell – Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2). Staff, Michael Bowles, Holly Handley were authorized to remain in the room.

Off record for executive session at 9:50am

On record from executive session at 10:22am

No motions were made during the executive session.

Motion 5: Ramsey Bell moved to accept the default order of the imposition of civil fine for case #2022-000749 in the amount of \$300, seconded by Sara Rasmussen.

Motion 5 Recorded Votes:

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson - Absent

Carla Hebert - Yes

Ramsey Bell – Yes

It was resolved to accept the default order of the imposition of civil fine for case #2022-000749 in the amount of \$300.

### **Agenda Item #8 Industry Updates**

Discussion:

- National Association of Boards of Pharmacy (NABP) - Neal Watson, Senior Manager, Member Relations and Government Affairs
  - Presentation on NABP
    - Overview of what NABP offers.
    - Twenty-one states are involved with the Multistate Pharmacy Inspection Blueprint.
    - E-Profile captures all programs a facility utilizes (Inspections, Accreditation, etc.).
    - Pharmacy Accreditation and Inspection Programs.
      - NABP Surveyors/Inspectors
      - Verified Pharmacy Program (VPP)
      - Multistate Pharmacy Inspection Blueprint Program
        - New Training Fall 2023 – 1 inspector from each jurisdiction funded.
      - Distributor Programs
        - Accreditations
        - Supply Chain Inspections
      - General Pharmacy Inspection Fees – start at \$3000 up to \$5500.
      - No charge to state board of pharmacy unless the state goes under contract with NABP for inspections.
- AKPHA - Brandy Seignemartin, AKPhA Executive Director, provided an update on the following items:
  - Pharmacy Technician Workforce Issues
    - Shortage of Pharmacy Technicians in Alaska.
    - Hospitals are using “Traveling Technicians” at a much higher wage to cover down.
    - Discussed high school students being allowed to be licensed prior to age 18 and graduation if enrolled in a pharmacy apprenticeship program. A similar program is in place in Washington and California.
  - SB 121 – Patient Freedom of Pharmacy Choice Bill
    - Brandy Seignemartin outlined the sections of the bill.
    - Gives patients the right to access their medications at the pharmacy of their choice.
    - Pharmacies are closing due to the loss in revenue. This is a public health infrastructure problem for Alaska.

- Patients being able to access medications from healthcare provider through method of choice.
- White bagging – Patient must get medication from outside source shipped to physician's office, may not be the appropriate supply chain, medication errors can occur, dosing changes can cause delays in care.
- Brown bagging – Medication must go from Pharmacy Benefit Management (PBM) owned pharmacy to patient's home, patient must bring the medication to their provider to administer, medication integrity can be compromised.
- Provides a framework for transparent reimbursement methodology.
- Addresses unfair trade practices of PBMs.

### **Agenda Item #9 Recess for Lunch**

### **Agenda Item #10 Roll Call/Call to Order**

Roll Call:

Ashley Schaber - Present  
Sara Rasmussen - Present  
James Henderson – Absent  
Carla Hebert – Present  
Ramsey Bell – Present

James Henderson – Joined the meeting at 1:23pm

Carla Hebert – Left the meeting at 1:25pm

### **Agenda Item #11 Board Business**

Discussion:

Motion 6: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by Ramsey Bell the board 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. No request was made for public discussion.

Motion 6 Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Yes  
Carla Hebert - Absent  
Ramsey Bell – Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2). Staff, Michael Bowles, Amy Glenn, and Sarah Jones are authorized to remain in the room.

Off record for executive session at 1:28pm

On record from executive session at 1:55pm

No motions were made during the executive session.

- Application Review
  - Confidential - Executive Session
    - The board requested the most recent inspection less than 6 months old to move application forward.
- Lost or Stolen Controlled Substances
  - Safeway Pharmacy #1820
  - Carr's Pharmacy #1805
- Correspondence for the Board
  - Alliance for Pharmacy Compounding Email
    - Added as a task for the compounding committee.
  - Verified Pharmacy Program Nuclear USP 825 Inspection Form Letter
    - Added as a task for the compounding committee.
  - AS 08.80.337. OTHER PATIENT CARE SERVICES Email
    - Discussion on the intent of the statute.
    - Discussion on how pharmacists can help fill gaps in access to care.
    - Intent was for emergency medication, birth control not an emergency.
    - Added as a task for the statutes and regulations committee.
    - Add as an agenda item for next meeting.
- Compounding Committee
  - USP 797
  - No updates from committee.
  - Task added to investigate creating an account for access to USP documents.
- Well Being Work Group
  - Well Being Index
- Controlled Substances Advisory Committee Nomination
  - Discussed the role of the representative, changes to PDMP.
  - Sara Rasmussen volunteered to represent the board.
- 2024 Strategic Plan
  - Began discussing changes the board would like to see using the 2023 strategic plan.
  - Draft 2024 plan will be reviewed and finalized at the Special Meeting in May.
- Pharmacy Technician Continuing Education Requirements Discussion
  - Executive Administrator Delegation for CEs.
- Tasks List Review
- Special Meeting Date for May is set for May 24, 2023, 4pm-6pm, via Zoom.
  - Annual Report Review
  - Public Comments for Regulations Project

Motion 7: Ashley Schaber motioned to nominate Sara Rasmussen as the representative of the Board of Pharmacy for the Controlled Substances Advisory Committee, seconded by Ramsey Bell.

Motion 7 Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson - Yes

Carla Hebert - Absent

Ramsey Bell – Yes

It was resolved that Sara Rasmussen will represent the Board of Pharmacy for the Controlled Substances Advisory Committee.

### **Agenda Item #12 Public Comment Period**

Discussion:

Rob Geddes

- Volunteered to assist with Statute and Regulations committee as a public stakeholder.
- Discussed pharmacy technician and pharmacist shortages across Alaska.
- One pharmacist in working in Valdez.
- Having to request out of state assistance.
- Request the board look at emergency applications for shortages.

### **Agenda Item #13 Statutes Discussions**

Discussion:

- SB 121 Pharmacies/Pharmacists/Benefits Managers
  - The board is concerned with white bagging/brown bagging practices.
  - Priority for Board in FY2023 Annual Report.
- Baxter to address HB 96A.
  - Vince Banks addressed the board.
    - Outlined the process of how a patient receives a dialysate.
    - Discussed what the bill would do for the process.
    - What would change is the removal of needing a Pharmacy license.
    - Ashley Schaber acknowledged an amendment was made to HB 112 which added the language of CS HB 96 (HSS) to HB 112.

Motion 8: Ashley Schaber moved to support SB 121 Pharmacies/Pharmacists/Benefits Managers for reasons listed below, seconded by Ramsey Bell.

1. Aligns with FY2023 strategic plan goal #4.
2. Gives patients the right to access medications at the pharmacy of their choice.
3. Provides framework for transparency and fair reimbursement for pharmacies and patients.
4. Protects patient access to clinician administered medication by eliminating the practice of white bagging and brown bagging.

Motion 8 Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson - Yes

Carla Hebert – Absent

Ramsey Bell – Yes

It was resolved that the Board of Pharmacy supports SB 121 Pharmacies/Pharmacists/Benefits Managers.

Motion 9: Sara Rasmussen moved to support CS HB 96 (HSS), seconded by Ashley Schaber.

**Motion 9 Recorded Votes:**

Ashley Schaber - Yes  
 Sara Rasmussen - Yes  
 James Henderson - Yes  
 Carla Hebert - Absent  
 Ramsey Bell – Yes

It was resolved that the Board of Pharmacy supports CS HB 96 (HES).

Motion 10: Ashley Schaber moved to delegate the authority to process and issue pharmacy technician license renewal applications that do not meet continuing education requirements, and make a disciplinary decision based off the continuing education disciplinary matrix for those applications to the Executive Administrator, seconded by Ramsey Bell.

**Motion 10 Recorded Votes:**

Ashley Schaber - Yes  
 Sara Rasmussen - Yes  
 James Henderson - Yes  
 Carla Hebert - Absent  
 Ramsey Bell – Yes

It was resolved that the Board of Pharmacy delegates the authority to process and issue pharmacy technician license renewal applications that do not meet continuing education requirements, and make a disciplinary decision based off the continuing education disciplinary matrix for those applications to the Executive Administrator.

**Agenda Item #14 Regulations Discussions****Discussion:**

- Discussion on allowing those in apprenticeship programs to become licensed as pharmacy technicians before the age of eighteen and high school graduation.
  - Pharmacies/Pharmacists would still have oversight; removes barriers to assist with workforce shortage.
  - Classroom portion should be a requirement prior to pharmacy portion- discussed how this would work. Each apprenticeship program may vary.
  - Task list item added to address the way forward.
- Pharmacy Technician Continuing Education Regulations
- Alison Osbourne, Regulations Specialist 2
  - Outlined the regulations change process.
  - Involve regulations specialist as soon as possible to assist with language and time.

Motion 11: Ashley Schaber motioned to approve the proposed amendment to 12 AAC 52.310(b)(3) of “the applicant must have completed those activities within the immediate two years before applying for reinstatement”, seconded by Ramsey Bell.

**Motion 11 Recorded Votes:**



Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Yes  
Carla Hebert - Absent  
Ramsey Bell – Yes

It was resolved to approve the proposed amendment to 12 AAC 52.310(b)(3) of “the applicant must have completed those activities within the immediate two years before applying for reinstatement”.

**Agenda Item #15 Chair Final Comments**

Discussion:

- Next Meeting: May 24, 2023
- Tentative Meeting August 10, 2023

**Agenda Item #16 Adjourn**

Motion 12: Ashley Schaber motioned to adjourn, seconded by Sara Rasmussen.

Motion 12 Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen - Yes  
James Henderson - Yes  
Carla Hebert - Absent  
Ramsey Bell – Yes

It was resolved to adjourn.