

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

# BOARD OF PHARMACY

## CONDENSED MINUTES OF THE MEETING HELD AUGUST 10, 2023

Date: August 10, 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, James Henderson, and Sylvain Nouvion.  
Staff: Michael Bowles, Melissa Dumas, Lisa Sherrell, Amy Glenn, Sarah Jones, Glenn Saviers, Billy Homestead, Holly Handley, and Stefanie Davis.

Absent:

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

#### Roll Call:

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

On the record at 09:01am.

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

Brief Discussion: Introduction of new board member, Sylvain Nouvion with the other board members and division staff in attendance.

Motion: Carla Hebert motioned to approve the August 10, 2023, meeting agenda as written, seconded by James Henderson.

#### Recorded Votes:

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

It was resolved to approve the August 10, 2023, meeting agenda as written.

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

Brief Discussion: Ashley Schaber disclosed she is a member of the Alaska Pharmacists Association (AKPhA) Legislative Committee.

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

Motion: James Henderson motioned to approve the April 21, 2023, May 24, 2023, and June 20, 2023, meeting minutes as written, seconded by Carla Hebert.

Recorded Votes:

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

It was resolved to approve the April 21, 2023, May 24, 2023, and June 20, 2023, meeting minutes as written.

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

Discussion:

- Board members introduced themselves to public attendees.
- Jen Adams, Associate Dean for Academic Affairs for Idaho State University, introduced herself to the board and public attendees.
  - Attended regulations meeting on August 03, 2023.
  - Standard of care discussion – would be a helpful approach to streamline regulations, achieve “right touch” regulations, volunteered to assist with language for regulations.
  - Pharmacy Technician licensure – there may be specific tech training program through Department of Labor; encouraged the board to think more broadly about language used for training programs; could be more encompassing.
  - Collaborate Practice Agreements – recommend considering the administrative burden and how many have been disapproved by the board.
- Daiana Huyen, Amazon Pharmacy, introduced herself to the board and public attendees.
- Holly Colburn, Pharmacy student, introduced herself to the board and public attendees.
- Deeb Eid, CVS Health, introduced himself to the board and public attendees.

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

Discussion:

- Michael Bowles, Executive Administrator
  - Provided the board with an update of the timeline for going live with online applications: tentatively anticipated September for pharmacy technicians and end of calendar year 2023 for pharmacists. First priorities included pharmacy technicians, interns, and pharmacists, then will move to facilities.
  - Provided the board with application processing statistics. Currently, applications are taking approximately three weeks if there are no application issues identified.
- Melissa Dumas, Administrative Operations Manager
  - FY23 Q3 through March budget report explained to the board.

- FY23 Q4 report will be available after October.
- Lisa Sherrell, Prescription Drug Monitoring Program (PDMP) Manager
  - PDMP Updates
  - Discussed reporting requirements of controlled substances II-IV, V is not reported.
  - Discussed software upgrades that are available – ASAP 5.0, 4.2b.
  - Ramsey Bell asked what the purpose of upgrading would be and if there is a data deficit. Stated concerns of upgrading to a program that may unnecessarily gather more information.
  - Lisa Sherrell discussed the upgrades and clarified the information gathered such as discount cards and name changes, and that the upgrade supports programs such as Medicare and is focused on patient matching.

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

#### Discussion:

- Billy Homestead introduced himself as the new Senior Investigator.
- Handley, Investigator
  - Investigative Report from April 07, 2023, through July 27, 2023
  - Open Cases: 74
  - Closed Cases: 33
  - License Actions: 3

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by Carla Hebert, 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. Ashley Schaber, Carla Hebert, Sylvain Nouvion, James Henderson, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2021-000775, 2021-000776, 2021-000784, 2022-000476, 2022-000826, 2022-000829, and 2022-001036.

#### Recorded Votes:

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

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 10:26am

On record from executive session at 11:04am

No motions were made during the executive session.

Motion: Ashley Schaber motioned to accept the consent agreement order of case 2021-000775 as written, seconded by James Henderson.

#### Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order of case 2021-000775 as written.

Motion: Ashley Schaber motioned to accept the consent agreement order of case 2021-000776 as written, seconded by James Henderson.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order of case 2021-000776 as written.

Motion: Ashley Schaber motioned to accept the consent agreement order of case 2021-000784 as written, seconded by Sylvain Nouvion.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order of case 2021-000784 as written.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$100 for case 2022-000476 as written, seconded by Carla Hebert.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$100 for case 2022-000476 as written.

Motion: Ashley Schaber motioned to accept to accept the imposition of civil fine order in the amount of \$100 for case 2022-000826 as written, seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved motioned to accept to accept the imposition of civil fine order in the amount of \$100 for case 2022-000826 as written.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$250 for case 2022-000829 as written, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$250 for case 2022-000829.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$500 for case 2022-001036 as written, seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Yes  
Ramsey Bell – Abstain  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$500 for case 2022-001036 as written.

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by James Henderson, 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. Ashley Schaber, Ramsey Bell, Sylvain Novion, James Henderson, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2022-000976, 2023-000288.

Recorded Votes:

Ashley Schaber – Yes  
Sara Rasmussen –  
James Henderson – Yes  
Carla Hebert – Yes  
Ramsey Bell – Yes  
Sylvain Novion – Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 11:16am  
On record from executive session at 11:31am

No motions were made during the executive session.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$200 for case 2022-000976 as written, seconded by James Henderson.

Recorded Votes:

Ashley Schaber - No  
Sara Rasmussen -  
James Henderson - No  
Carla Hebert - Abstain  
Ramsey Bell – No  
Sylvain Novion - No

It was not resolved to accept the imposition of civil fine order in the amount of \$200 for case 2022-000976 as written. The motion failed.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000288 as written, seconded by James Henderson.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Yes  
Carla Hebert - Abstain  
Ramsey Bell – Yes  
Sylvain Novion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$300 for case 2023-000288 as written.

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by Carla Hebert, 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. Ashley Schaber, Ramsey Bell, Sylvain Nouvion, Carla Hebert, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2022-000634, 2022-000782, 2022-000905, 2022-000934, 2022-000936, 2022-000937, and 2022-001033.

Recorded Votes:

Ashley Schaber – Yes  
Sara Rasmussen –  
James Henderson – Yes  
Carla Hebert – Yes  
Ramsey Bell – Yes  
Sylvain Nouvion – Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 11:40am

On record from executive session at 11:58am

No motions were made during the executive session.

Motion: Ashley Schaber motioned to accept the consent agreement order of case 2022-000634 as written, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - No  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - No  
Ramsey Bell –  
Sylvain Nouvion - No

It was not resolved to accept the consent agreement order of case 2022-000634 as written. The motion failed.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2022-000782 as written, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes

Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$300 for case 2022-000782 as written.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$500 for case 2022-000905 as written, seconded by Sylvain Nouvion.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes  
Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$500 for case 2022-000905 as written.

Motion: Ashley Schaber motioned to accept the consent agreement order for case 2022-000934 as written, seconded by Sylvain Nouvion.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes  
Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order for case 2022-000934 as written.

Motion: Ashley Schaber motioned to accept the consent agreement order for case 2022-000936 as written, seconded by Carla Hebert.

Recorded Votes:  
Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes  
Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order for case 2022-000936 as written.



Motion: Ashley Schaber motioned to accept the consent agreement order for case 2022-000937 as written, seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes  
Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the consent agreement order for case 2022-000937 as written.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 case 2022-001033 as written, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - Yes  
Sara Rasmussen -  
James Henderson - Abstain  
Carla Hebert - Yes  
Ramsey Bell – Yes  
Sylvain Nouvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$300 case 2022-001033 as written.

Motion: On a motion made by James Henderson in accordance with AS 44.62.310(c)(2) and seconded by Carla Hebert, 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. James Henderson, Ramsey Bell, Sylvain Nouvion, Carla Hebert, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2022-000935, and 2022-001034.

Recorded Votes:

Ashley Schaber – Yes  
Sara Rasmussen –  
James Henderson – Yes  
Carla Hebert – Yes  
Ramsey Bell – Yes  
Sylvain Nouvion – Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 12:15pm  
On record from executive session at 12:21pm

No motions were made during the executive session.

Motion: James Henderson motioned to accept the imposition of civil fine order in the amount of \$500 for case 2022-000935 as written, seconded by Sylvain Novvion.

Recorded Votes:

Ashley Schaber - Abstain

Sara Rasmussen -

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Novvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$500 for case 2022-000935 as written.

Motion: James Henderson motioned to accept the imposition of civil fine order in the amount of \$300 for case 2022-001034 as written, seconded by Sylvain Novvion.

Recorded Votes:

Ashley Schaber - Abstain

Sara Rasmussen -

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Novvion - Yes

It was resolved to accept the imposition of civil fine order in the amount of \$300 for case 2022-001034 as written.

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

Discussion:

- Alaska Pharmacists Association (AKPhA) – Brittany Keener, PharmD, MPH, BCPS, provided an update on the following items:
  - Thanked for hosting the educational meeting on June 20, 2023.
  - AKPhA appreciates the board’s effort in updating the pharmacy technician regulations allowing for high school students to be licensed and coming into alignment with other states.
  - Discussed upcoming Health System Pharmacy and Leadership Conference ~ September 21-23rd at Alyeska Resort.
  - Provided an update on SB 121.
  - AKPhA is excited to be working with the board to enter a joint providership agreement to offer continuing education (CE) credit for board meeting attendance for licensees. Once finalized, AKPhA would accredit certain agenda items of board meetings for CE credit. This is a great partnership opportunity and will hopefully drive participation by licensees in BOP meetings.

### **Agenda Item #9 Adjourn for Lunch** (off record at 12:24)

**Agenda Item #10 Roll Call/Call to Order** (on record at 1:01pm)

Roll Call:

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

**Agenda Item #11 Public Comment Period**

Discussion:

- No comments were received from the public during this period.

**Agenda Item #12 Board Business**

Sara Rasmussen joined the meeting at 1:23PM.

Discussion:

- Reciprocal Action for Out-of-State Discipline
  - Guidance from the Department of Law presented to the board.
  - No specific case associated.
  - Carla Hebert stated that the guidance is straight forward in allowing the board to pursue reciprocal action through the investigative process.
  - James Henderson stated this will be easier for the board to pursue once out of state pharmacies are licensed rather than registered.
- Lost or Stolen Controlled Substances
  - Safeway Pharmacy #1805 DEA 106 reviewed and discussed by the board.
  - Safeway Pharmacy #1807 DEA 106 reviewed and discussed by the board.
  - Safeway Pharmacy #1817 DEA 106 reviewed and discussed by the board.
  - Safeway Pharmacy #1818 DEA 106 reviewed and discussed by the board.
  - Safeway Pharmacy #1833 DEA 106 reviewed and discussed by the board.
  - Costco Pharmacy #10 DEA 106 reviewed and discussed by the board.
  - Carr's Pharmacy #0720 DEA 106 reviewed and discussed by the board.
  - Sylvain Nouvion stated concerns with one of the pharmacy owner's being the bulk of the reports.
  - Ashley Schaber stated her recommendations on how the board should move forward if patterns are identified and that reporting is good as it helps identify processes involved in identifying missing medications.
  - James Henderson stated if there's a flag identified the board should think about taking action.
  - Michael Bowles stated he will begin communicating the board's concerns with the investigations team and the DEA.
  - Task was created for Michael Bowles to contact Investigations and discuss a way forward if trends or patterns are identified and the board has concern as well as check with other states and the DEA about this process.
  - The board identified the same language on each form submitted by one of the pharmacy owners.

- Sylvain Nouvion stated it would be useful if more information was provided on how the pharmacy discovered the loss.
- Collaborative Practice Agreements
  - Ashley Schaber discussed the process of approval; the medical board's process of approval which is the chair is delegated to approve rather than entire board.
  - James Henderson stated the board of pharmacy used to have a similar process.
  - Ashley Schaber stated the board could review using OnBoard voting.
  - Carla Hebert asked is the medical board chair asked for other board members' input. This process could take a lot of time during board meetings. What type of things would the board not approve?
  - James Henderson stated if questions arise, they can be discussed in OnBoard together as a board.
  - Sylvain Nouvion stated OnBoard is a good option but include all board members.
  - Ashley Schaber stated it has been a few years since the board has seen collaborative practice agreements.
  - Ashley Schaber volunteered to take on the role of reviewer for the board. Recommended delegating the reviewer as the chair and not a specific person.
  - Collaborative Practice agreements were removed from the agenda.
  - Michael Bowles will submit the agreements to Ashley Schaber after the meeting.
- Wellbeing Index
  - Ashley Schaber gave an outline of the wellbeing statistics on the NABP report as well as the actionable solutions identified by the Solutions Summit of the American Pharmacists Association (APhA), American Society of Health-System Pharmacists (ASHP), and National Association of Boards of Pharmacy (NABP):
    1. Ensure psychological and physical safety of the pharmacy workforce.
    2. Determine employer accountability for ensuring workplace conditions that support well-being of the pharmacy workforce.
    3. Advance technology and workflow efficiencies that balance resources, workload, and cognitive load.
    4. Minimize overly restrictive regulations and requirements while allowing for flexible and innovative policies supportive of new and emerging patient care models.
    5. Recruit, retain, and empower an engaged and equitable pharmacy workforce.
    6. Identify sustainable practice model advancements that offer patient-centered professional autonomy and flexibility.
  - James Henderson stated number 4 is a good idea. Goes back to standard of care.
  - Ashley Schaber stated this is an area the board has influence over. Number 6 as well.
  - Sara Rasmussen stated number 5 is something that ties into number 4 as far as a board action. Changing the age for pharmacy technicians will impact number 2 and possibly number 1. If you have a larger pool of employees, it's less stressful for employees to have some coverage. Asked if there were any statutory or regulatory burdens from number 3.
  - Ashley Schaber stated having pharmacy technicians and pharmacists to work at the top of their scope allows for use in technology and helps with the verification process.
  - Ramsey Bell stated until staff issues are addressed, as well as overburdening by pharmacy corporate owners, not sure how much impact the board can have. Impacts not only wellbeing but also patient safety.
  - Sara Rasmussen stated this is something the board should look into.

- Carla Hebert stated the ratio is more about how many pharmacy technicians the pharmacist can safely supervise. Agreed the issue is driven by business owners.
- Ramsey Bell discussed pharmacists quitting due to the high levels of stress. Errors are not being reported. Staff are not supported enough to do their job correctly and safely.
- Sara Rasmussen stated this would be better addressed through regulation vs statute.
- James Henderson stated it would be interesting to see what Idaho has in place.
- Jen Adams was asked to speak to Idaho's approach.
- Jen Adams – Idaho does not have a standard ratio for pharmacy technicians to pharmacists. Referred to the presentation provided during the special meeting on June 20, 2023. A specific ratio is different for all pharmacists in terms of clinical ability and their ability to manage workflow. Using technicians for things they are capable of can be beneficial. Idaho board of pharmacy can assist with regulations language.
- Sara Rasmussen suggested a task be created to review regulatory and statutory guidelines of other states on ratios of pharmacies to pharmacy technicians.
- Michael Bowles created the task and will also reach out to the State of Alaska wage and hour unit to see if pharmacy staff have complaints about workplace environment.
- The board conducted a review of the Task List.

Motion: Carla Hebert motioned to have collaborative practice agreements reviewed and approved by the board chair, seconded by Sylvain Novion.

Ashley Schaber – Yes  
 Sara Rasmussen –  
 James Henderson – Yes  
 Carla Hebert – Yes  
 Ramsey Bell – Yes  
 Sylvain Novion – Yes

It was resolved to have collaborative practice agreements reviewed and approved by the board chair.

### **Agenda Item #13 Statutes and Regulations Discussion**

Discussion:

- HB 56
  - Ashley Schaber discussed the Department of Law opinion of language in HB 56. The board can make a regulation change if they choose.
- The board reviewed the regulations project proposed by the statute and regulations committee associated with HB 112 as well as updates addressing licensing efficiencies and accountability.
  - Ashley Schaber discussed the accomplishments made during the committee meeting on August 03, 2023, and outlined the proposed changes before going line by line.
  - Ashley Schaber stated the goal is to review the proposed changes and move the changes forward after review by the board.
  - Dale Knutson, Executive Director, Asthma and Allergy Foundation of America, Alaska Chapter, spoke on epinephrine and training provided associated with its use called “Make the Epinephrine Connection”.
  - Jeffrey Demain, MD, Asthma and Allergy Foundation of America, Alaska Chapter, discussed further opportunities for epinephrine trainings.

- Ashley Schaber requested link to program material for the board to review before the next quarterly meeting.
- Task created to have the compounding committee meet to discuss 12 AAC 52.430.
- Discussion on 52.865 section. Lisa Sherrell discussed questions received from pharmacies on whether reporting prescriptions prescribed by a veterinarian is optional now that HB 56 has passed. The addition would not change anything from what pharmacies are currently reporting. Discussed the steps in the reporting process.
- Task created to look into training requirement for epinephrine in other states in the NABP survey of law.

Motion: James Henderson motioned to move forward with proposed regulations changes to or creation of 12 AAC 52.010, 12 AAC 52.020, 12 AAC 52.070, 12 AAC 52.075, 12 AAC 52.095, 12 AAC 52.120, 12 AAC 52.130, 12 AAC 52.140, 12 AAC 52.200, 12 AAC 52.205, 12 AAC 52.240, 12 AAC 52.245, 12 AAC 52.300, 12 AAC 52.310, 12 AAC 52.423, 12 AAC 52.500, 12 AAC 52.865, 12 AAC 52.920, 12 AAC 52.991, 12 AAC 52.992, 12 AAC 52.993, and 12 AAC 52.995 with the changes and additions as noted, seconded by Ramsey Bell.

Recorded Votes:

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

It was resolved to move forward with proposed regulations changes to or creation of 12 AAC 52.010, 12 AAC 52.020, 12 AAC 52.070, 12 AAC 52.075, 12 AAC 52.095, 12 AAC 52.120, 12 AAC 52.130, 12 AAC 52.140, 12 AAC 52.200, 12 AAC 52.205, 12 AAC 52.240, 12 AAC 52.245, 12 AAC 52.300, 12 AAC 52.310, 12 AAC 52.423, 12 AAC 52.500, 12 AAC 52.865, 12 AAC 52.920, 12 AAC 52.991, 12 AAC 52.992, 12 AAC 52.993, and 12 AAC 52.995 with the changes and additions as noted.

Proposed regulations changes (language additions are underlined and removed language is in brackets):

12 AAC 52.010. **REPEALED.**

12 AAC 52.020. PHARMACY LICENSE.

(b) An applicant for a pharmacy license shall submit

(1) a complete, notarized application on a form provided by the department **that includes:**

**(A) the ownership name and Alaska corporate entity number;**

**(B) the pharmacy's "doing business as" name, if applicable;**

**(C) the physical location of the facility;**

**(D) a mailing address and telephone number;**

**(E) the names of all partners or corporate officers;**

**(F) the name, active Alaska license number, and contact information for the pharmacist-in-charge;**

(G) the names and active pharmacist license numbers in the current jurisdiction of all pharmacists employed by the pharmacy; and  
(H) completion of the professional fitness section of the application;  
**(5) If the pharmacy is located outside of this state, the pharmacy shall also submit**

(A) a copy of the active pharmacy license in good standing from the jurisdiction where the pharmacy is physically located; and  
(B) an attestation that an inspection of the premises by a third party was completed within the last two years.

(c) **Repealed.** [AN APPLICATION FOR A REMOTE OR OTHER PHARMACY LICENSE MUST INCLUDE THE NAME OF THE PHARMACIST DESIGNATED TO BE THE PHARMACIST-IN-CHARGE AS REQUIRED IN AS 08.80.330 AND 12 AAC 52.200.]

(d) An application for a pharmacy license must include the name and specific location of each remote pharmacy that will be under the pharmacy's control, **if applicable.**

(e) **Repealed.** [AN APPLICATION FOR A REMOTE PHARMACY LICENSE MUST INCLUDE THE NAME AND, IF IT HAS BEEN ISSUED, THE LICENSE NUMBER OF THE PHARMACY THAT IS ITS CENTRAL PHARMACY.]

(f) A pharmacy that has changed its name, ownership, or physical address shall notify the board in writing not later than 30 days after the change. A notification of physical address must include an attestation that a new self-inspection will be completed not later than 30 days after the start of business **in the new location.**

(g) A pharmacy located outside of the state is not required to submit an annual information update as required under AS 08.80.158(b) to the board if the **license** [REGISTRATION] has been issued for **less** [NOT MORE] than three months and if the information has not changed since the **license** [REGISTRATION] was initially issued.

**(h) An Internet-based pharmacy providing services to residents in this state must obtain a license under this section.**

**(i) To convert an existing out-of-state pharmacy registration under AS 08.80.158 and 12 AAC 52.130 to an out-of-state pharmacy license under AS 08.80.030 and 12 AAC 52.020, the pharmacy shall simply submit an out-of-state pharmacy renewal application meeting the requirements of 12 AAC 52.300. A new initial license application is not required.**

12 AAC 52.070. APPLICATION FOR PHARMACIST LICENSE BY EXAMINATION.

(3) **REPEALED.** [TWO AFFIDAVITS FROM REPUTABLE CITIZENS WHO HAVE KNOWN THE APPLICANT FOR AT LEAST ONE YEAR ATTESTING TO THE APPLICANT'S GOOD MORAL CHARACTER;]

12 AAC 52.075. GOOD MORAL CHARACTER. **Repealed.**

12 AAC 52.095. APPLICATION FOR PHARMACIST LICENSE BY RECIPROCITY.

(3) **REPEALED.** [TWO AFFIDAVITS FROM REPUTABLE CITIZENS WHO HAVE KNOWN THE APPLICANT FOR AT LEAST ONE YEAR ATTESTING TO THE APPLICANT'S GOOD MORAL CHARACTER; AND]



(4) an application for license transfer through the National Association of Boards of Pharmacy; the license by which the applicant is seeking reciprocity from must be current, unencumbered, and in good standing; **and**[.]

**(5) Verification that the applicant has engaged in the practice of pharmacy for at least one year immediately before applying for a license, or has received board approval.**

(b) An applicant for licensure under this section who has not taken the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC 52.090 is approved to sit for that examination if the applicant has submitted the documents required under (a)(1) – ([4] **5**) of this section.

#### 12 AAC 52.120. REVIEW OF PHARMACIST INTERN LICENSE APPLICATION.

(f) A pharmacist intern license **[may]** **will** not be renewed. An applicant wishing to continue an internship in this state after the license has expired must **[reapply]** **apply** for a new license in accordance with this section.

#### 12 AAC 52.130. (REPEALED)

#### 12 AAC 52.140. PHARMACY TECHNICIAN LICENSE.

(b) A pharmacy technician license will be issued to an applicant who

(1) submits a completed form for application, including

(A) the applicant's name, mailing address, and telephone number; and

(B) the applicant's date of birth that shows the applicant is at least 18 years old **or at least 16 years old and enrolled in a pharmacy technician training program approved by the board;**

(2) certifies that the applicant has not been convicted of a felony or another crime that affects the applicant's ability to perform the duties of a pharmacy technician safely and competently;

(3) certifies that the applicant has earned a high school diploma or its equivalent and provides the name of the issuing institution and the date the diploma or its equivalent was issued **or enrollment in a pharmacy technician training program approved by the board;**

#### 12 AAC 52.200. PHARMACIST-IN-CHARGE.

(a) The responsibilities of the pharmacist-in-charge include

**(1) obtaining an active Alaska pharmacist license prior to the facility's licensure in Alaska.**

[(1)] **(2)** compliance with all laws and regulations governing the activities of the pharmacy;

[(2)] **(3)** training of all pharmacy personnel;

[(3)] **(4)** ensuring adequate policies and procedures are in place for pharmacy operations;

[(4)] **(5)** maintaining required records;

[(5)] **(6)** storage of all materials, including drugs and chemicals; and

[(6)] **(7)** ensuring effective controls against theft or diversion of prescription drugs; [.]



**(8) maintaining an active license in the jurisdiction where the facility is physically located.**

(b) A pharmacist designated to replace the pharmacist-in-charge of a licensed [or registered] pharmacy shall notify the board not later than 30 days after that designation **and shall apply for a pharmacist license in this state within 30 days of the designation to replace the pharmacist-in-charge.**

**(c)** Notwithstanding 12 AAC 52.425(a), a pharmacist may not serve as a pharmacist-in-charge unless the pharmacist is physically present in the pharmacy for a sufficient amount of time to provide supervision and control.

**(d)** A pharmacist may not serve as pharmacist-in-charge for more than one pharmacy at any one time except upon obtaining written permission from the board.

(c) Repealed 07/01/2023.

**12 AAC 52. 205. GENERAL STANDARDS OF PHARMACY PRACTICE.**

**(a) To determine whether a specific act is within the scope of pharmacy practice in or into Alaska, or whether an act can be delegated to other individuals under their supervision, a licensee must independently determine whether the act is:**

**(1) expressly prohibited by**

**(A) the board regulations; or**

**(B) any applicable state or federal laws;**

**(2) consistent with the licensee's education, training, and experience; and**

**(3) within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee with similar education, training, and experience.**

**(b) Pharmacies shall ensure a Continuous Quality Improvement (CQI) program for pharmacy services.**

**12 AAC 52.240. PHARMACIST COLLABORATIVE PRACTICE AUTHORITY.**

(b) A written protocol must include

(8) a plan for providing the authorizing practitioners with each patient record created under the written protocol; **and**

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

**12 AAC 52.245. RETIRED PHARMACIST LICENSE STATUS.**

**(a) Upon retiring from practice, an individual holding an unencumbered pharmacist license that is not under investigation with the board may apply for the conversion of an active or inactive pharmacist license to a retired status pharmacist license.**

**(b) An individual holding a retired pharmacist license status may use the title "pharmacist-retired" but may not practice or indicate that the individual is practicing or soliciting to practice as a pharmacist in this state.**

**(c) A retired pharmacist license is valid for the life of the holder, does not require renewal, and is exempt from continuing education requirements.**

**(d) The executive administrator or board will issue a retired pharmacist status to an individual who meets the requirements of (a) of this section if the applicant**

**(1) submits a completed retired status application on a form provided by the department; and**

**(2) pays the retired pharmacist license status one-time fee specified in 12 AAC 02.310.**

**(e) An individual who holds a retired pharmacist license may apply to change the license from retired status to active status by**

**(1) meeting the requirements of 12 AAC 52.310(b) if the license has been in retired status for less than two years;**

**(2) meeting the requirements of 12 AAC 52.310(a) if the license has been in retired status for more than two years but less than five years; or**

**(3) meeting the requirements of 12 AAC 52.070, as applicable, if the license has been in retired status for more than five years.**

#### 12 AAC 52.300. LICENSE [AND REGISTRATION] RENEWAL.

(b) An applicant for renewal of a pharmacy, wholesale drug distributor, outsourcing facility, third-party logistics provider, manufacturer, or drug room license must submit on or before the license expiration date

(1) a completed renewal application on a form provided by the department;

(2) the license renewal fees required in 12 AAC 02.310; and

(3) an attestation that a self-inspection of the premises using the form provided by the department was completed within the last two years or since the last time the license [OR REGISTRATION] was initially issued; the applicant must retain the self-inspection and make it available to the board upon request for the duration of the licensing period in which it was completed.

#### 12 AAC 52.310. REINSTATEMENT OF [AN EXPIRED] A LAPSED PHARMACIST OR PHARMACY TECHNICIAN LICENSE.

(a) If a pharmacist's or pharmacy technician's license has [expired] **been lapsed** for any reason, that pharmacist or pharmacy technician may not practice pharmacy until the license is reinstated by the board.

(b) The board will reinstate a **lapsed** pharmacist or pharmacy technician license that has been expired less than two years if the applicant submits

(3) documentation that the applicant has **completed within the immediate two years before applying for reinstatement** all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350.; **AND**

**(4) FOR A LICENSING PERIOD THAT BEGINS ON OF AFTER JULY 1, 2006, A COMPLETED JURISPRUDENCE QUESTIONNAIRE PREPARED BY THE BOARD, COVERING THE PROVISIONS OF AS 08.80 AND THIS CHAPTER.]**

(c) The board will reinstate a pharmacist license that has been [expired] **lapsed more than** two years **but less than five years** if the applicant

(2) pays any applicable license renewal fees required in 12 AAC 02.310 for the entire period the license has been [EXPIRED] **lapsed**;

(4) documentation that the applicant has **completed within the immediate two years before applying for reinstatement** all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350;

(5) qualifies by

- (A) retaking and passing the examinations required in 12 AAC 52.090(a); or
- (B) providing verification that the applicant has continually practiced pharmacy in another state under a license issued by the authority of that state for the period that the license has been **[expired] lapsed**, and by meeting the requirements of 12 AAC 52.090(a)(2); for purposes of AS 08.80.147 and this subparagraph, an applicant has continually practiced pharmacy if the pharmacist has actively practiced pharmacy in the other state for at least six months during each year that the license in this state was lapsed; and
- (e) A pharmacy technician license that has been **[EXPIRED] lapsed** for two years or more will not be reinstated.
- (f) A pharmacist license that has been lapsed for five years or more will not be reinstated.**

#### 12 AAC 52.423. REMOTE PHARMACY LICENSE.

- (a) A central pharmacy that wishes to provide pharmacy services through a remote pharmacy in the state using a telepharmacy system as provided in 12 AAC 52.425 must apply to the board for a **remote pharmacy** license. The central pharmacy applying under this section for a remote pharmacy license must:
  - (1) submit [TO THE DEPARTMENT] a complete, notarize application on a form provided by the department;
  - (2) submit [TO THE DEPARTMENT] the applicable fees established in 12 AAC 02.310; [AND]
  - (3) comply with the requirements of 12 AAC 52.020; **and**[.]
  - (4) provide the name and active or pending license number of the central pharmacy.**
- (b) The board will approve an application to provide pharmacy services through a remote pharmacy if the central pharmacy establishes that it is able to comply with the requirements of 12 AAC 52.425.
- (c) **Repealed.** [AN APPLICANT FOR RENEWAL OF A REMOTE PHARMACY LICENSE MUST COMPLY WITH THE REQUIREMENTS OF 12 AAC 52.300.]
- (d) A remote pharmacy that has change its name, physical address, or ownership must notify the board in writing not later than 30 days after the change. A notification of change of physical address must include an attestation that a new self-inspection will be completed no later than 30 days from the start of business **in the new location**.

#### 12 AAC 52.500. TRANSFER OF A PRESCRIPTION DRUG ORDER.

- (b) Original prescription drug order information for controlled substances listed in schedules **II, III, IV, or V** may be transferred only by the pharmacy that originally received the prescription drug order from the prescribing practitioner. The transfer must be communicated directly between two licensed pharmacists.

#### 12 AAC 52.865. REPORTING AND REVIEWING PDMP INFORMATION.

- (b) Unless excused from reporting under AS 17.30.200(t), a pharmacist or practitioner required to submit information under AS 17.30.200(b) must submit the information to the PDMP daily, **including any Schedule II, III, or IV controlled substances prescribed by a veterinarian.**

## 12 AAC 52.920. DISCIPLINARY GUIDELINES.

(a) In addition to acts specified in AS 08.80 or elsewhere in this chapter, each of the following constitutes engaging in unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS 08.01.075:

(15) **acts or omissions within the practice of pharmacy which fail to meet the standard of care. [FAILING TO USE REASONABLE KNOWLEDGE, SKILLS, OR JUDGEMENT IN THE PRACTICE OF PHARMACY];**

## 12 AAC 52.991. DISCIPLINARY DECISION OR CONVICTION REPORTING REQUIREMENT.

(a) A licensee shall report in writing to the board any disciplinary decision, **felony charges, or criminal conviction** [, **INCLUDING CONVICTION OF A FELONY OR CONVICTION OF ANOTHER CRIME THAT AFFECTS APPLICANT'S OR LICENSEE'S ABILITY TO PRACTICE COMPETENTLY AND SAFETY,**] issued against the licensee not later than 30 days after the date of the disciplinary decision, **felony charges,** or conviction.

(b) A licensed [**OR REGISTERED**] facility shall report in writing to the board any disciplinary decision, including **a voluntary** suspension or revocation **issued** by federal, state, or local government of a license currently or previously held [**BY THE APPLICANT OF FACILITY FOR THE MANUFACTURE OR DISTRIBUTION OF DRUGS OR DEVICES, INCLUDING CONTROLLED SUBSTANCES,**] or any felony **charges or criminal conviction** under federal, state, or local law of an owner, **designated representative, pharmacist-in-charge, or officer** of the **licensed** facility [**or of an employee of the facility**] **not later than 30 days after the date of the disciplinary decision, felony charge, or criminal conviction.**

12 AAC 52.992. ADMINISTRATION OF VACCINES, **EPINEPHRINE,** AND RELATED EMERGENCY MEDICATIONS.

(a) Before a pharmacist or pharmacy technician who holds a national certification or a pharmacist intern acting under the supervision of a pharmacist may administer a human vaccine or related emergency medication to a patient who does not have immunization contraindications as listed by the CDC, FDA, or manufacturer's package insert, or to a patient under a prescription drug order from a prescriber, the pharmacist or pharmacy technician who holds a national certification or pharmacist intern acting under the supervision of a pharmacist

(1) must successfully complete a course **approved by the board;**  
**[ACCREDITED BY THE ACPE OR A COMPARABLE COURSE FOR PEDIATRIC, ADOLESCENT, AND ADULT IMMUNIZATION PRACTICES THAT INCLUDES INSTRUCTION AS FOLLOWS:**

**(A) FOR A PHARMACIST OR A PHARMACIST INTERN, TRAINING MUST INCLUDE:**

**(i) BASIC IMMUNOLOGY, VACCINE, AND IMMUNIZATION PROTECTION;**

**(ii) DISEASES THAT MAY BE PREVENTED BY VACCINATION OR IMMUNIZATION;**

- (iii) **CURRENT CDC IMMUNIZATION SCHEDULES;**
- (iv) **VACCINE STORAGE AND HANDLING;**
- (v) **INFORMED CONSENT;**
- (vi) **TECHNIQUES AND ROUTES OF ADMINISTRATION;**
- (vii) **PRE- AND POST-IMMUNIZATION ASSESSMENT AND COUNSELING;**
- (viii) **IMMUNIZATION REPORTING AND RECORDS MANAGEMENT; AND**
- (ix) **IDENTIFYING, RESPONDING TO, DOCUMENTING, AND REPORTING ADVERSE REPOSES;**

**(B) FOR A PHARMACY TECHNICIAN WHO HOLDS A NATIONAL CERTIFICATION, TRAINING MUST INCLUDE:**

- (i) **VACCINE STORAGE AND HANDLING;**
- (ii) **TECHNIQUES AND ROUTES OF ADMINISTRATION;**
- (iii) **IMMUNIZATION REPORTING AND RECORDS MANAGEMENT; AND**
- (iv) **IDENTIFYING, RESPONDING TO, DOCUMENTING, AND REPORTING ADVERSE REPOSES;]**

**(d) A pharmacist may independently administer epinephrine auto-injectors;**

**(e) A pharmacist may independently prescribe epinephrine auto-injectors to a person who has completed and epinephrine auto-injector training program approved by the board under AS 17.22.020(b);**

**[(d)] (f)** Failure to comply with this section constitutes unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS 08.01.075.

**[(e)] (g)** In this section,

- (1) "CDC" means the United States Department of Health and Human Services, Centers for Disease Control and Prevention;
- (2) "FDA" means the United States Food and Drug Administration.

## 12 AAC 52.993. EXECUTIVE ADMINISTRATOR.

(6) review and approve applications for licensure **[OR REGISTRATION]** as long as the applicant meets the requirements established for the license type for which they are applying.

## 12 AAC 52.995. DEFINITIONS.

**(25) “standard of care” means care provided by a licensee that is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training, and experience.**

**(42) “facility” means a pharmacy, wholesale drug distributor, drug room, remote pharmacy, third-party logistics provider, outsourcing facility, or manufacturer who is licensed under AS 08.80 and this chapter;**

**(43) “Internet-based pharmacy” means a person, entity, or Internet site, in the United States, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense prescription drugs or devices by means of the Internet;**

Carla Hebert left the meeting at 3:08pm.

Sara Rasmussen left the meeting at 4:30pm.

**Agenda Item #14 Chair Final Comments**

Discussion:

- Next Meeting: November 16, 2023
- Special meeting to approve regulations will be scheduled once the public comment period has started.

**Agenda Item #15 Adjourn**

Motion 12: James Henderson motioned to adjourn, seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber – Yes

Sara Rasmussen –

James Henderson – Yes

Carla Hebert –

Ramsey Bell – Yes

Sylvain Nouvion - Yes

It was resolved to adjourn at 5:03pm.