

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

# BOARD OF PHARMACY

CONDENSED MINUTES OF THE MEETING HELD (SEPTEMBER 22 - 23, 2022)

Date:	September 22 – 23, 2022
Time:	Scheduled 9:00 a.m.
Location:	Zoom & Anchorage – Robert Atwood Building, Suite 1550, 500 W. 7 <sup>th</sup> Ave, Anchorage, AK 99501
Attending:	Board Members: Justin Ruffridge, Ashley Schaber, Ramsey Bell, Leif Holm, James Henderson. Staff: Laura Carrillo, Bradley Johnson, Lisa Sherrell, Michael Bowles, Sara Chambers, Glenn Hoskinson
Absent:	

<b>Topic: Roll Call Day 1</b>	
Brief Discussion:	N/A
Motion:	N/A
Recorded as Present:	<i>Justin Ruffridge</i> <i>James Henderson</i>
	<i>Ashley Schaber</i>
	<i>Ramsey Bell</i>
	<i>Leif Holm</i>
Action Items:	N/A
<b>Topic: Approve Agenda</b>	
Brief Discussion:	<i>The board reviews the agenda for September 22 – day 1.</i>
Motion:	<ul style="list-style-type: none"> <li><i>Ashley Schaber motions to approve the agenda as written, seconded by Ramsey Bell, and approved unanimously. It is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to approve September 22, 2022 agenda as written.</i></p>
Recorded Votes:	<i>Justin Ruffridge</i> <i>James Henderson</i>
	<i>Ashley Schaber</i>
	<i>Ramsey Bell</i>
	<i>Leif Holm</i>
Action Items:	N/A
<b>Topic: Ethics disclosures</b>	

Brief Discussion:	<i>Ashley Schaber: member of the AKPhA and legislative committee. Justin Ruffridge: candidate for district 7 state house</i>	
Motion:	<i>N/A</i>	
Recorded Votes:	<i>N/A</i>	
Action Items:	<i>N/A</i>	
<b>Topic: Draft minutes</b>		
Brief Discussion:	<i>The board reviews the draft minutes from June 16, 2022.</i>	
Motion:	<ul style="list-style-type: none"> <li><i>Ashley Schaber motions to approve the minutes as written, seconded by Ramsey Bell, and approved unanimously. It is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to approve the June 16, 2022 minutes as final.</i></p>	
Recorded Votes:	<i>Justin Ruffridge</i>	<i>James Henderson</i>
	<i>Ashley Schaber</i>	
	<i>Ramsey Bell</i>	
	<i>Leif Holm</i>	
Action Items:	<ul style="list-style-type: none"> <li><i>Ms. Carrillo will request the final June 16, 2022 minutes be posted on the board's website.</i></li> </ul>	
<b>Topic: INV Update</b>		
Brief Discussion:	<p><i>Investigator Bowles provides a brief presentation for the public on the investigative process then proceeds with a presentation for reviewing board members. Mr. Bowles then provides the board's investigative report, which included matters from June 3, 2022 through September 8, 2022. In this timeframe, 30 matters remained open and 47 matters were closed.</i></p> <p><i>The board reviews cases related to imposition of civil fines and suspension.</i></p>	
Motion:	<p><i>On a motion duly made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by James Henderson, the board unanimously moves 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. It is:</i></p> <p style="text-align: center;"><i>RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2). Staff, Michael Bowles, Laura Carrillo, and Bradley Johnson are authorized to remain in the room.</i></p> <p><i>Off record for executive session at 10:14 a.m. On record from executive session at 10:44 a.m.</i></p> <p><i>No motions were made in executive session.</i></p> <ul style="list-style-type: none"> <li><i>Ashley Schaber motions to accept the imposition of civil fine for 2022-000215 in the amount of \$200, seconded by James Henderson, and approved unanimously, it is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to accept the imposition of civil fine for 2022-000215.</i></p>	

- Ashley Schaber motions to accept the imposition of civil fine for 2022-000216 in the amount of \$200, seconded by Ramsey Bell, and approved by the majority with James Henderson absent during voting, it is:

*RESOLVED to accept the imposition of civil fine for 2022-000216.*

- Ashley Schaber motions to accept the imposition of civil fine for 2022-000294 in the amount of \$300, seconded by Ramsey Bell, and approved by the majority with James Henderson absent during voting, it is:

*RESOLVED to accept the imposition of civil fine for 2022-000294.*

- Ashley Schaber motions to accept the imposition of civil fine for 2022-000354 in the amount of \$500, seconded by Ramsey Bell, and approved by the majority with James Henderson absent during voting, it is:

*RESOLVED to accept the imposition of civil fine for 2022-000354.*

- Ashley Schaber motions to accept the imposition of civil fine for 2022-000446 in the amount of \$1,000, seconded by Ramsey Bell, and approved by the majority with James Henderson absent during voting, it is:

*RESOLVED to accept the imposition of civil fine for 2022-000446.*

- Ashley Schaber motions to accept the revocation of pharmacy technician license #138777, case #2019-000721, per the authority of AS 08.80.030(8), Powers and Duties of the Board, and the finding that the licensee is in violation of AS 08.80.261(a)(1), seconded by Ramsey Bell, and approved by the majority with James Henderson absent during voting, it is:

*RESOLVED to accept the revocation of pharmacy technician license #138777, case #2019-000721.*

- Ashley Schaber motions to accept the revocation of pharmacy technician license #PHAC1173, case #2019-000936, per the authority of AS 08.01.075, Disciplinary Powers of Boards, and the finding that the licensee is in violation of AS 08.80.261(a)(6)(14), and 12 AAC 52.920(a)(12)(13), seconded by Ramsey Bell, and approved by the majority with one abstention from Justin Ruffridge, it is:

*RESOLVED to accept the revocation of pharmacy technician license #PHAC1173, case #2019-000936.*

Recorded Votes:	Justin Ruffridge (abstain in case # 2019-000936)	James Henderson (absent for case #s 2022-000216, 2022-000294, 2022-000354, 2022-000446, and 2019-000721)
	Ashley Schaber	
	Ramsey Bell	
	Leif Holm	

Action Items:	<ul style="list-style-type: none"> <li>Justin Ruffridge will submit the signed imposition of civil fines and revocations to Investigator Bowles.</li> </ul>	
<b>Topic: Board Business</b>		
Brief Discussion:	<p>The board reviews reports of lost or stolen prescriptions, an application for licensure, and previously tabled applications for shared pharmacy services. The board also reviews correspondence from the NABP, FDA regarding paxlovid, from a pharmacy regarding MAT in rural areas, and from a private person regarding IV nutrition. The board also reviews correspondence regarding wholesale drug distribution without a license in another jurisdiction. Ms. Carrillo recommends the board discuss this during their regulations discussion as it is not clear whether applicants qualify for licensure in Alaska if their home jurisdiction does not require a wholesale drug distribution.</p> <p>The board expresses interest in sending out guidance to licensees via the ListServ regarding paxlovid and fraud alerts by the Healthcare Distribution Alliance (HDA).</p>	
Motion:	<ul style="list-style-type: none"> <li>On a motion duly made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by James Henderson, the board unanimously moves 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. It is: <ul style="list-style-type: none"> <li>RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2). Staff, Michael Bowles, Laura Carrillo, and Bradley Johnson, and AAG Harriet Dinagar-Milks are authorized to remain in the room.</li> </ul> <p>Off record for executive session at 10:54 a.m. On record from executive session at 11:42 a.m.</p> <p>No motions were made in executive session.</p> </li> <li>James Henderson motions to approve the pharmacist license application for Tarick Mahmoud, in-process record #173961, seconded by Ramsey Bell, and approved unanimously, it is: <ul style="list-style-type: none"> <li>RESOLVED to approve the pharmacist license application for Tarick Mahmoud.</li> </ul> </li> </ul>	
Recorded Votes:	Justin Ruffridge	James Henderson
	Ashley Schaber	
	Ramsey Bell	
	Leif Holm	
Action Items:	<ul style="list-style-type: none"> <li>Laura Carrillo will follow-up with PipelineRx on next step to complete their shared pharmacy services applications.</li> <li>Laura Carrillo will issue the pharmacist license for Tarick Mahmoud.</li> <li>Laura Carrillo will send a notice out through the listserv regarding prescribing Paxlovid with limitations and regarding the Healthcare Distribution Alliance (HDA) Pharmaceutical Cargo Security Coalition (PCSC) fraud alerts on diversion strategies.</li> <li>Laura Carrillo and James Henderson will work on a response regarding IV nutrition</li> </ul>	

Topic: Subcommittee Updates									
Brief Discussion:	<p>Dr. Schaber chairs the meeting as Dr. Ruffridge is absent upon return from lunch.</p> <ul style="list-style-type: none"> <li>• <u>Controlled Substance Advisory Committee</u>: no updates</li> <li>• <u>Well-Being</u>: Dr. Schaber and Dr. Bell participate in this subcommittee along with Brandy Seignemartin from the AKPhA. Dr. Schaber requests the board to review the <i>Pharmacists Fundamental Rights and Responsibilities</i>. Dr. Schaber requests the board to review the document and officially sign on to support it as many state boards and colleges of pharmacies have. Dr. Holm expresses concern that the document may be used as leverage against employers and that discussions may become confrontational. Mr. Henderson's impression is that it can be used to inform pharmacists on what their rights are and to be able to advocate for themselves on issues related to reasonable working hours and conditions. Dr. Bell's concern is there isn't mechanism for employers to be held accountable, e.g.: adequate staffing should be a right, especially for patient safety, but it is unclear how the guidance can translate to compelling pharmacies to adhere to this in practice. Dr. Schaber clarified it would serve as a show of support for improving well-being and wellness of pharmacists and help facilitate discussions between pharmacists and their employers.</li> <li>• <u>42 CFR Part II</u>: Lisa Sherrell and Dr. Schaber participate in this subcommittee. Ms. Sherrell states that providers are generally interested in knowing which patients are receiving treatment. In order to comply with 42 CFR Part II, the PDMP will need to incorporate an additional module in the system. Patients also have a right to decide whether they want their data to be disclosed. This is a continued collaborative effort with the vendor and DHSS.</li> <li>• <u>Compounding</u>: no updates</li> </ul>								
Motion:	<ul style="list-style-type: none"> <li>• Leif Holm motions to table the compounding subcommittee until 2023, seconded by James Henderson, and approved unanimously, it is:  <i>RESOLVED to table the compounding subcommittee until 2023.</i></li> </ul>								
Recorded Votes:	<table border="1"> <tr> <td>Justin Ruffridge</td> <td>James Henderson</td> </tr> <tr> <td>Ashley Schaber</td> <td></td> </tr> <tr> <td>Ramsey Bell</td> <td></td> </tr> <tr> <td>Leif Holm</td> <td></td> </tr> </table>	Justin Ruffridge	James Henderson	Ashley Schaber		Ramsey Bell		Leif Holm	
Justin Ruffridge	James Henderson								
Ashley Schaber									
Ramsey Bell									
Leif Holm									
Action Items:	<ul style="list-style-type: none"> <li>• Laura Carrillo will submit the board's support of <i>Pharmacist's Fundamental Responsibilities and Rights</i> on the APhA website.</li> </ul>								
Topic: Industry Update									

Brief Discussion:	<p><u>AKPhA</u>  Brandy Siegnemartin states she enjoyed serving on well-being subcommittee and provides the update that the AKPhA decided to sign on and support the document because it aligns with the values of the association. Other updates provided: Medicaid released proposed regulations; AKPhA worked on UAA/ISU doctor of pharmacy program; pursuing patient choice legislation/white bagging/brown bagging/PBM legislation; annual meeting will be February 17 – 19, 2023 in Anchorage</p>	
Motion:	N/A	
Recorded Votes:	N/A	
Action Items:	N/A	
<b>Topic: PDMP Update</b>		
Brief Discussion:	<p><i>Ms. Sherrell provides an update on the PDMP: division entered a contract with a consultant to do assessment and analysis of the PDMP, with the first draft of feedback expected in November; statewide integration has launched, which will allow single-sign on within the clinic HER and is a cost-savings to the state</i></p>	
Motion:	N/A	
Recorded Votes:	N/A	
Action Items:	N/A	
<b>Topic: Regulations #1</b>		
Brief Discussion:	<p><i>The board reviews the efficiency regulations related to pharmacies, pharmacists, pharmacist interns, student job shadowing, license renewal, remote pharmacies, wholesale drug distributors, outsourcing facilities, third-party logistics providers, drug rooms, and PDMP registration. Ms. Carrillo explains that the intent of these regulations is to reduce the administrative burden on staff as well as to reduce barriers to timely licensure. Dr. Ruffridge reads out loud the summary of what the proposed regulations aim to accomplish.</i></p>	
Motion:	<ul style="list-style-type: none"> <li><i>Justin Ruffridge motions to approve the efficiency regulations presented at the September 22, 2022 day 1 meeting in response to Administrative Order 335 and Director Order 2022-1. With the motion being seconded by Ramsey Bell and approved unanimously, it was:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to approve the efficiency regulation amendments to: 12 AAC 52.020, .120,.220, .250, .300, .423, .610, .696, .697, .800, and .855.</i></p>	
Recorded Votes:	<i>Justin Ruffridge</i>	<i>James Henderson</i>
	<i>Ashley Schaber</i>	
	<i>Ramsey Bell</i>	
	<i>Leif Holm</i>	

Action Items:	<ul style="list-style-type: none"> <li>Laura Carrillo will forward the board’s approved efficiency regulations to the regulations specialist and department of law for cursory review and public comment.</li> </ul>	
<b>Topic: Roll Call Day 2</b>		
Brief Discussion:	N/A	
Motion:	N/A	
Recorded Votes:	N/A	
Action Items:	N/A	
<b>Topic: Review/Approve Agenda</b>		
Brief Discussion:	The board reviews the agenda for September 23 – day 2.	
Motion:	<ul style="list-style-type: none"> <li>Ashley Schaber motions to amend the day 2 agenda by adding well-being to agenda item #5, regulations #2, seconded by Ramsey Bell, and approved unanimously, it is:  RESOLVED to approve the day 2 agenda as amended.</li> </ul>	
Recorded Votes:	Justin Ruffridge	James Henderson
	Ashley Schaber	
	Ramsey Bell	
	Leif Holm	
Action Items:	N /A	
<b>Topic: Regulations #2 &amp; #3</b>		
Brief Discussion:	<p>The board reviews the draft FY23 regulations, including additional amendments to sections where efficiency regulations were identified and approved during day 1. The board also returns to discussion on Pharmacist’s Fundamental Responsibilities and Rights. Dr. Schaber states that if the board supports the document, it should be mentioned when notifying licensees that it is not enforceable or binding because it’s not a statute or regulation. Rather, it is to serve as a conversation starter to encourage licensees to come up with solutions with their employers.</p> <p>The board also reviews professional fitness questions and expresses a desire to ask about pending actions and felony convictions of all employees of a pharmacy or facility. AAG Harriet Dinegar-Milks advises against asking about pending actions. AAG Dinegar-Milks refers to the legal memo dated May 10 2022, which recommends disclosures for the direct parent-level owner of the physical facility (the actual building) rather than grandparent level owners or owners who do not directly own the building. Dr. Bell states that in some cases, the owner doesn’t have keys to access the building, which conflicts with the memo. Ms. Carrillo states a definition for “owner” would be helpful, to which AAG</p>	

	<p><i>Dinegar-Milks agreed. Dr. Schaber states there is a federal requirement to ask about owners in 21 U.S.C. Part 205.</i></p> <p><i>The board reviews draft regulations related to reporting veterinary prescriptions to the PDMP. Ms. Carrillo and Ms. Sherrell states the intent is to provide clarification across pharmacies and veterinarians on how to report so there is consistency. Dr. Ruffridge and Dr. Bell express concern about the draft language, particularly reporting codes for humans versus animals. Dr. Ruffridge and Dr. Bell express opposition against reviewing prescription history of clients. Ms. Carrillo states this has been the guidance provided by the department of law. The board ultimately wishes to strike the draft language.</i></p>	
<p>Motion:</p>	<ul style="list-style-type: none"> <li>• <i>Ashley Schaber motions to support Pharmacist’s Fundamental Responsibilities and Rights and develop messaging of the role of the document to licensees, seconded by James Henderson, and approved by the majority with one nay, it is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to support Pharmacist’s Fundamental Responsibilities and Rights.</i></p> <ul style="list-style-type: none"> <li>• <i>Ashley Schaber motions to approve the FY2023 regulations presented at the September 23, 2022 day 2 meeting. With the motion being seconded by James Henderson and approved unanimously, it was:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to approve the FY2023 regulation projects affecting sections: 12 AAC 52.855, .860, .423, .800, .420, .300, .995, .635, .610, .696, .697, .020, .250, .670, .220, .120, .530, and .200; and to approve the creation of new sections for: manufacturers, remodeling, and automated distribution kiosks.</i></p>	
<p>Recorded Votes:</p>	<p><i>Justin Ruffridge</i></p>	<p><i>James Henderson</i></p>
	<p><i>Ashley Schaber</i></p>	
	<p><i>Ramsey Bell</i></p>	
	<p><i>Leif Holm</i></p>	
<p>Action Items:</p>	<ul style="list-style-type: none"> <li>• <i>Laura Carrillo will forward the board’s approved FY2023 regulations to the regulations specialist and department of law for cursory review and public comment.</i></li> <li>• <i>Laura Carrillo will work with AAG Dinegar-Milks on a draft definition for “ownership” and on revised professional fitness questions for the board’s consideration.</i></li> </ul>	
<p><b>Topic: Voluntary Surrender</b></p>		
<p>Brief Discussion:</p>	<p><i>The board was notified of a matter requiring urgent attention and were asked to consider a voluntary surrender.</i></p>	
<p>Motion:</p>	<ul style="list-style-type: none"> <li>• <i>On a motion duly made by Ashley Schaber in accordance with AS 44.62.310(c)(2), the board unanimously moves 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. It is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2). Staff, Laura Carrillo and Bradley Johnson are authorized to remain in the room.</i></p> <p><i>Off record for executive session at 2:36 p.m.</i></p>	



	<p><i>On record from executive session at 3:15 p.m.</i></p> <p><i>No motions were made in executive session.</i></p> <ul style="list-style-type: none"> <li><i>Ashley Schaber motions to accept the voluntary surrender for Christine Pitser, pharmacist license #137515, seconded by Ramsey Bell, and approved unanimously, it is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to accept the voluntary surrender for Christine Pitser, pharmacist license #137515.</i></p>	
Recorded Votes:	<i>Justin Ruffridge</i>	<i>James Henderson</i>
	<i>Ashley Schaber</i>	
	<i>Ramsey Bell</i>	
	<i>Leif Holm</i>	
Action Items:	<ul style="list-style-type: none"> <li><i>Justin Ruffridge will send the signed voluntary surrender to Investigator Bowles.</i></li> </ul>	
<b>Topic: Statutes</b>		
Brief Discussion:	<i>The board reviews potential statute changes as referenced in the recent annual report.</i>	
Motion:	<ul style="list-style-type: none"> <li><i>Ashley Schaber motions to form a statute subcommittee, to review potential statute areas from the board's FY2022 annual report, and pursue changes to AS 08.80.270 to remove the executive administrator salary range from statute, seconded by Ramsey Bell, and approved by the majority, it is:</i></li> </ul> <p style="text-align: center;"><i>RESOLVED to form a statute subcommittee.</i></p>	
Recorded Votes:	<i>Justin Ruffridge</i>	<i>James Henderson (absent during voting)</i>
	<i>Ashley Schaber</i>	
	<i>Ramsey Bell</i>	
	<i>Leif Holm</i>	
Action Items:	<ul style="list-style-type: none"> <li><i>Ashley Schaber will participate in the statute subcommittee.</i></li> <li><i>Laura Carrillo will add statute subcommittee to the November meeting agenda.</i></li> </ul>	
<b>Topic: EA Recruitment</b>		
Brief Discussion:	<i>Director Chambers and Deputy Director Saviers joins the board to provide an update on the executive administrator recruitment. Dr. Schaber expresses interest in increasing the salary range for the position, which is currently in statute. Director Chambers states that there was an error in the salary scale as posted in the recruitment, which has been corrected. The board expresses interest in participating on the interview panel.</i>	
Motion:	<i>N/A</i>	
Action Items:	<i>N/A</i>	

Topic: Administrative Update	
Brief Discussion:	<p><i>Ms. Carrillo reviews the task list, most of which are complete, pending, or awaiting status updates for the November meeting.</i></p> <p><i>The board sets the next meeting dates:</i></p> <ul style="list-style-type: none"> <li>• <i>February 9 – 10, 2023 (Juneau)</i></li> <li>• <i>April 27 – 28, 2023 (Anchorage)</i></li> <li>• <i>September 7 – 8, 2023 (Anchorage)</i></li> <li>• <i>November 16 – 17, 2023 (Anchorage)</i></li> </ul>
Motion:	<i>N/A</i>
Action Items:	<ul style="list-style-type: none"> <li>• <i>Laura Carrillo will work on travel requests for the upcoming meetings.</i></li> <li>• <i>Laura Carrillo and Justin Ruffridge will work on draft agendas for the upcoming meetings.</i></li> </ul>

Public Comments:	N/A
Next Meeting:	November 17-18, 2022
Adjournment:	4:30 p.m.