

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

BOARD OF PHARMACY

CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 16, 2023
(APPROVED AND FINALIZED ON APRIL 21, 2023)

Date: February 16, 2023
Time: 09:00am – 05:00pm
Location: Anchorage: 550 W 7th Avenue, Suite 1500, Room 1550, Anchorage, AK 99501; Zoom
Attending: Board Members: Ashley Schaber, James Henderson, Carla Hebert, Ramsey Bell
Staff: Michael Bowles, Lisa Sherrell, Amy Glenn, Cody MacKenn, Melissa Dumas,
Sylvan Robb
Absent: Leif Holm

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

Roll Call:

Ashley Schaber - Present
Leif Holm - Absent
James Henderson - Present
Carla Hebert - Present
Ramsey Bell – Present

Agenda Item #2 Review/Approve Agenda

Brief Discussion: Added Epinephrine legislation item from Rep. Ruffridge to agenda item #13
Motion: Ashley Schaber motions to approve the amended agenda, seconded by Ramsey Bell.

Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsey Bell – Yes

It is resolved to approve February 16, 2023, agenda as amended.

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: Ashley Schaber motions to approve the November 17-18, 2022, meeting minutes, seconded by Ramsey Bell.

Recorded Votes:

Ashley Schaber - Yes

Leif Holm - Absent

James Henderson - Yes

Carla Hebert – Yes

Ramsey Bell – Yes

It is resolved to approve November 17-18, 2022, meeting minutes as written.

Agenda Item #5 Industry Update

Discussion:

- Brittany Seignemartin, AKPhA President, provides an update on the following items:
 - Leadership Change:
 - PBM Bill, still in draft, hoping to have a bill on the floor soon.
- Desiree Molina, P3 student with Pharmacy Program UAA
 - Presentation – MAT Act
- AKPhA Podcast
 - Hoping to increase engagement with licensees.

Agenda Item #6 Public Comment Period

Discussion:

Jennifer Stukey and Anna Nelson gave public comments concerning:

- Narcotic Drug Treatment Center
- Access to Care – Access to Medication
- Traditional Opioid Treatment Program
- Buprenorphine
- Fentanyl

Agenda Item #7 PDMP Update

Discussion:

- Lisa Sherrell, PDMP Manager
 - Details on Q4 report
 - Covered the PDMP Assessment highlights.

Agenda Item #8 Investigative Update

Discussion:

- Erika Prieksat, Senior Investigator
 - Investigative Report from November 04, 2022 – February 02, 2023
 - Open Cases 44
 - Closed Cases 12
 - License Actions 3
- Holly Handley, Investigator Introduction

- Greg Francois, Chief Investigator
 - Case 2021-000111

Motion 1: On a motion made by Ramsey Bell in accordance with AS 44.62.310(c)(2) and seconded by Ashley Schaber, the board 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.

Motion 1 Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsey Bell - Yes

It is resolved to enter executive session in accordance with AS 44.62.310(c)(2). Staff, Michael Bowles, Lisa Sherrell, Erika Prieksat, Holly Handley, and Greg Francois are authorized to remain in the room.

Off record for executive session at 10:41am
On record from executive session at 11:17am

Motion 2: Ramsey Bell motions to accept the default order of the imposition of civil fine for case #2021-000111 in the amount of \$500, seconded by Ashley Schaber.

Motion 2 Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Abstain
Carla Hebert - Yes
Ramsey Bell – Yes

It is resolved to accept the default order of the imposition of civil fine for case #2021-000111.

Agenda Item #9 Administrative Business

Discussion:

- Discussed upcoming conferences.
 - Carla Hebert available for conferences
 - Discuss voting for a delegate for NABP.
- USB Conference April 05-07 in person Rockville, Maryland
 - Good training opportunity for Investigator/Inspector
- NHIA Annual Conference March 25-29 Washington DC
 - USB will be covered in some sessions.
- RX Illicit Summit Savings by March 3rd
 - Carla Hebert available
- Carla Hebert unavailable in April
- NABP Annual Conference May 10-12

- Ashley Schaber available
- Ramsey Bell TBD
- USP Conference
 - James Henderson available
- NHIA Conference
 - James Henderson available
- NABP District 7 Conference Tabled for Attendees
- Next Meeting Dates – Change to 1-day meetings, special meetings for other agendas.
 - April 21, 2023
 - August 10, 2023
 - November 16, 2023
- Correspondence
 - FFF Enterprises
 - Address needs to be associated with license.
 - Pharmaceuticals need to be shipped through the license of facility where care is provided.
 - Attached letter could not legally authorize.
 - Alliance for Pharmacy Compounding
 - If the board hears of any issues, they will consider looking into this
 - Wait on official FDA guidance.
 - Rachel Bergartt – On limitations on compounding medications, there were federal regulations that changed around that time. Veterinarian facility could no longer hold as stock. Had to be designated to patient. Believes it is a federal issue, not a state issue.

Motion: James Henderson motions to vote on Ashley Schaber being appointed the Board’s NABP Delegate, seconded by Ramsey Bell.

Recorded Votes:

Ashley Schaber - Yes

Leif Holm - Absent

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

It is resolved that Ashley Schaber is appointed the Board’s NABP Delegate.

Action Items:

- Michael Bowles will gather information on ACHC and Joint Commission.
- Michael Bowles will follow up with emails on correspondence opinions.

Agenda Item #10 Budget Report/Division Update

Discussion:

Administrative update

- Amy Glenn, OLE Introduction
- Cody MacKenn, OLE Introduction
- Melissa Dumas
 - FY23 Q2 Financial Report

- Sylan Robb, Director – Introduction

Action Items:

- Michael Bowles will find travel information for number of conferences and how many members/staff can attend in Annual Report and provide that information to Melissa Dumas.

Agenda Item #11 Adjourn for Lunch

Agenda Item #12 Roll Call/Call to Order

Roll Call:

Ashley Schaber – Present

Leif Holm - Absent

James Henderson - Present

Carla Hebert - Present

Ramsey Bell – Present

Agenda Item #13 Legislation

Discussion:

- Pharmacy Modernization Bill
 - Ashley Schaber explains purpose of bill.
 - Legislative Sponsor – Sen Geisel
 - Board discusses amendments to initial draft line by line.
 - Section 2 - Clarify language in subparagraph 17 “30(b)(17)” – License Internet based pharmacies vs license and inspect.
 - Section 10 – background check requirement - move from statute to regulations.
 - Effective Date Discussion January 01, 2024
- Epinephrine Bill
 - Discussion on adding Epinephrine Bill to current Pharmacy Modernization Bill
 - Discussion on adding other medications/expanding the Epinephrine Bill
 - Pharmacy Modernization Bill timeline is a concern.
 - Section 2 Epinephrine Bill Language is confusing – person vs patient training.
 - Section 4 Epinephrine Bill Ampule removal concern, how to address if there’s a shortage.

Motion 1: Ramsey Bell motions to approve changes discussed and the effective date to January 01, 2024, in the Pharmacy Modernization Bill draft, seconded by James Henderson.

Recorded Votes Motion 1:

Ashley Schaber - Yes

Leif Holm - Absent

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

It is resolved to approve changes discussed and the effective date to January 01, 2024, in the draft Pharmacy Modernization Bill draft.

Motion 2: Ramsey Bell motions to include the Epinephrine Bill language into the Pharmacy Modernization Bill draft, seconded by Carla Hebert.

Recorded Votes Motion 2:

Ashley Schaber - Yes

Leif Holm - Absent

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

It is resolved to approve including the Epinephrine Bill language into the Pharmacy Modernization Bill draft.

Agenda Item #14 Regulations

Discussion:

- Board reviewed public comments.
 - Reinbold comment needs to be discussed – possible regulatory change. Does not relate to current regulations project.
 - Discussion by board on certified vs noncertified Pharm Techs administering vaccines. Board not inclined to change the language as written.
- Board discussed current regulations project being prepared for public comment.

Motion: Ramsey Bell motions to adopt regulations changes to 12 AAC 52.010 - .995 after considering public comments received and considering costs to persons, seconded by James Henderson.

Recorded Votes:

Ashley Schaber - Yes

Leif Holm - Absent

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

It is resolved to adopt regulations changes to 12 AAC 52.010 - .995 after considering public comments received and considering costs to persons.

Agenda Item #15 Public Comment Period

Discussion:

- James Manners
 - General Manager Bernie's
 - Covid public emergency set to expire.
 - Restrictions may come back into play.
 - Patient choice may be restricted.
 - Rural patients not able to get mailout prescriptions.
 - Requests Board consider taking steps to allow patients to use insurance at pharmacy of choice.
- ❖ Ramsey Bell
 - Public comment is valid.
 - Recommends adding to next meeting as agenda item for discussion.

- Will negatively affect rural patients once emergency order ends in May.
- ❖ Ashley Schaber
 - Might be something than can be included in the Patient Choice Legislation AKPhA
 - Agrees that safety and access is an issue of concern.

Agenda Item #16 Board Business

Discussion:

- Lost or Stolen Controlled Substances
- Crisis Stabilization Unit
 - Discussion by board concerning types of services provided.
 - AS 08.80.390(b) read.
 - Board opinion is they need a drug room.
- CEs for Meeting Attendance
 - Discussed by board – accreditation vs attestation.
 - AKPhA accreditation is preferred.
 - Up to 2 hrs. for 2 credits every 2 years – recommendation
- NABP Supply Chain Inspection
 - Multi-state Blueprint Program
 - Add to April Agenda
 - Get costs for inspector training.
 - Any other vendor besides NABP?
 - Invite Neal Watson to next meeting.
- Subcommittees
 - Reviewed and discussed subcommittee guidance from Law.
 - 42 CFR II
 - Could goals be rolled into PDMP discussion?
 - Put on hold until further notice.
 - Statutes
 - Ashley Schaber and Ramsey Bell are members.
 - Topics should be continued
 - Change to a committee.
 - Regulations
 - Ashley Schaber and James Henderson are members.
 - Compounding
 - James Henderson and Leif Holm are members.
 - Change to Workgroup to focus on USP 797
 - Carla Hebert joining group.
 - Controlled Substances Advisory Committee
 - Not a BOP committee, a BOP member participates.
 - Task List Item added.
 - Well-Being
 - Ramsey Bell and Ashley Schaber are members.
 - Create an Alaska specific survey.
 - Carla Hebert joined; Ashley Schaber stepped down.

Motion 1: Ashley Schaber motions to approve Out-of-State Pharmacy application for Pacifico National, Inc/Mark Sangree doing business as (dba) AmEx Pharmacy Florida License No. PH16954 for licensure in Alaska, seconded by James Henderson.

Motion 1 Recorded Votes:

Ashley Schaber - No
Leif Holm - Absent
James Henderson - No
Carla Hebert - No
Ramsley Bell - No

It is resolved that Out-of-State Pharmacy application for Pacifico National, Inc/Mark Sangree dba AmEx Pharmacy Florida License No. PH16954 is not approved for licensure in Alaska. The decision for the denial is based upon multiple license disciplinary actions taken against Pacifico National, Inc/Mark Sangree dba AmEx Pharmacy Florida License No. PH16954 in accordance with the following statutes: AS 08.80.157(d), AS 08.80.157(h)(1) and AS 08.80.157(h)(4).

Motion 2: Ramsley Bell motions to combine the regulations and statutes subcommittees into a new statutes and regulations committee, seconded by Carla Hebert.

Motion 2 Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsley Bell – Yes

It is resolved to combine the regulations and statutes subcommittees into a new statutes and regulations committee.

Motion 3: Ashley Schaber motions to form a compounding workgroup and dissolve the compounding subcommittee, seconded by Ramsley Bell.

Motion 3 Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsley Bell – Yes

It is resolved to form a compounding workgroup and dissolve the compounding subcommittee.

Motion 4: Ashley Schaber motions to change the members of the well-being subcommittee by adding Carla Hebert and Ramsley Bell and removing Ashley Schaber, seconded by James Henderson.

Motion 4 Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsey Bell – Yes

It is resolved to change the members of the well-being subcommittee by adding Carla Hebert and Ramsey Bell and removing Ashley Schaber.

Action Items:

- Michael Bowles will follow up with Dr. Neptune and inform him the facility needs a drug room.
- Add NABP Inspections to April Agenda
 - Get costs for inspector training.
 - Any other vendor besides NABP?
 - Invite Neal Watson to next meeting.

Agenda Item #17 Chair Final Comments

Discussion:

- April meeting in person in Anchorage
- Board requested to provide feedback for things that can be done differently or better during Board meetings.
- Listserv issue remedied.

Next Meeting: April 21, 2023

Agenda Item #18 Adjourn

Motion: Ashley Schaber motions to adjourn, seconded by Ramsey Bell.

Recorded Votes:

Ashley Schaber - Yes
Leif Holm - Absent
James Henderson - Yes
Carla Hebert - Yes
Ramsey Bell – Yes

It is resolved to adjourn.