

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

BOARD OF PHARMACY

CONDENSED MINUTES OF THE MEETING HELD NOVEMBER 16, 2023

Date: November 16, 2023

Time: 09:00am – 05:00pm

Location: Online via 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, Brigham Perez, 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 - Absent
Ramsey Bell – Present
Sylvain Nouvion – Present

On the record at 09:12am.

Agenda Item #2 Ethics Disclosures

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

Agenda Item #3 Consent Agenda Items

Brief Discussion:

- Review/Approve Meeting Agenda
- Review/Approve Previous Meeting Minutes
- Review Lost or Stolen Controlled Substances/DEA 106s
- Review Well Being Index

Motion: Ashley Schaber motioned to approve the consent agenda items which included the November 16, 2023, meeting agenda as written, August 10, 2023 meeting minutes, lost or stolen controlled substances/DEA 106s, and well-being index; seconded by James Henderson.

Recorded Votes:

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

It was resolved to approve the consent agenda items as written.

Agenda Item #4 Division Updates

Discussion:

- Michael Bowles, Executive Administrator
 - Introduced new Occupational Licensing Examiner, Brigham Perez.
 - Provided the board with an update of the timeline for going live with online applications.
 - Provided the board with application processing statistics.
- Lisa Sherrell, Prescription Drug Monitoring Program (PDMP) Manager
 - Provided PDMP updates.
 - Discussed grants and how the grants are being used.
 - Awarded Bureau of Justice Assistance (BJA) grant for 2024.
 - Program is fully funded.
 - Software version upgrade discussion.
 - Continue to work on statewide gateway initiative.
 - Discussed increase in queries through gateway.
 - Change to American Society for Automation in Pharmacy (ASAP) 5.0.
 - Ashley Schaber asked what the board needs to do to upgrade.
 - Lisa Sherrell explained the need of a statute and/or regulation change in order to upgrade.
 - James Henderson and Ramsey Bell asked what the cost of the upgrade would be.
 - Lisa Sherrell stated the upgrade costs either \$300 or \$500.
 - James Henderson asked if a regulation change is needed to upgrade.
 - James Henderson recommended to change the regulation versus changing statute.

Motion: On a motion made by Ashley Schaber, the board will pursue a regulation change to adapt the upgrade to ASAP 5.0 and seconded by James Henderson.

Recorded Votes:

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

It was resolved that the board will pursue a regulation change to adapt the upgrade to ASAP 5.0.

- Melissa Dumas, Administrative Operations Manager
 - FY23 Q4 budget report explained to the board.
 - Ashley Schaber asked if the surplus would enable the board to cover the NABP newsletter at approximately \$700.
 - Melissa Dumas stated the surplus would be able to cover that cost. The division also has the ability to send out information via listserv email and mailouts.

Agenda Item #5 Investigative Review

Discussion:

- Handley, Investigator and Billy Homestead, Senior Investigator
 - Investigative Report from July 28, 2023, through November 02, 2023
 - Open Cases: 67
 - Closed Cases: 39
 - License Actions: 17
 - Conducted reviews of open cases

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by Sylvain Nouvion, 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, Sylvain Nouvion, James Henderson, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2022-001035, 2023-000126, and 2023-000527.

Recorded Votes:

Ashley Schaber - Yes
 Sara Rasmussen -
 James Henderson - Yes
 Carla Hebert -
 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 10:13am
 On record from executive session at 10:22am

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 2022-001035 as written, seconded by Sylvain Nouvion.

Recorded Votes:

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

Ramsey Bell – Abstain
Sylvain Nouvion – Yes

It was resolved to accept the imposition of civil fine order in the amount of \$200 for case 2022-001035.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$100 for case 2023-000126 as written, seconded by Sylvain Nouvion.

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

It was resolved to accept the imposition of civil fine order in the amount of \$100 for case 2023-000126.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$500 for case 2023-000527 as written, seconded by Sylvain Nouvion.

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

It was resolved to accept the imposition of civil fine order in the amount of \$500 for case 2023-000527.

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. Ramsey Bell, Ashley Schaber, Sylvain Nouvion, James Henderson, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2023-000161, 2023-000186, 2023-000281, and 2023-000403.

Recorded Votes:
Ashley Schaber - Yes
Sara Rasmussen -
James Henderson - Yes
Carla Hebert -
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 10:28am
On record from executive session at 10:40am

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 2023-000161 as written, 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 accept the imposition of civil fine order in the amount of \$200 for case 2023-000161.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000186 as written, 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 accept the imposition of civil fine order in the amount of \$300 for case 2023-000186.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000281 as written, 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 accept the imposition of civil fine order in the amount of \$300 for case 2023-000281.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000403 as written, 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 accept the imposition of civil fine order in the amount of \$300 for case 2023-000403.

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(2) and seconded by Sylvain Nouvion 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. Ramsey Bell, Ashley Schaber, Sylvain Nouvion, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2023-000359, and 2023-000360.

Recorded Votes:

Ashley Schaber - Yes
Sara Rasmussen -
James Henderson - Yes
Carla Hebert -
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 10:45am
On record from executive session at 10:58am

No motions were made during the executive session.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$500 for case 2023-000359 as written, seconded by Ramsey Bell.

Recorded Votes:

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

It was resolved to accept the imposition of civil fine order in the amount of \$500 for case 2023-000359.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000360 as written, seconded by Ramsey Bell.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen -

James Henderson - Abstain

Carla Hebert -

Ramsey Bell – Yes

Sylvain Nouvion – Yes

It was resolved to accept the imposition of civil fine order in the amount of \$300 for case 2023-000360.

Agenda Item #6 Public Comment Period

Discussion:

- Gail Elliot, Kaiser Permanent of Washington, asked what the status of the annual update for out of state pharmacies. Michael Bowles explained the board cannot discuss any regulations change projects currently in public comment.
- Ballard Saul, PharmD, Clinical Manager and Residency Manager, Providence Alaska Medical Center
 - MPJE is an area of stress and delays for their residency program.
 - Discussed challenges for exam takers.
 - Employees need to be licensed 100 days prior to start date.
- Jennifer Adams, PharmD, EdD, FAPhA, FNAP
 - Supports comments made by Ballard Saul.
 - Passing an exam is not helpful and indicative of whether a licensee is going to break the law.
 - Creates barriers to practice.
 - It's a challenge for the board to keep up with all of the answers to the questions which have to be updated and modified with regulations changes.
 - Pass rate for Alaska is around 70%, a minimum competency exam really should be around 90%.
- Shawna King, Pharmacist, Preceptor for Providence Alaska Medical Center
 - Concurs with Ballard Saul and Jennifer Adams.
 - Discussed the high failure rate which is burdensome for healthcare facilities.

Agenda Item #7 Industry Updates

Discussion:

- Alaska Pharmacists Association (AKPhA) – Brittany Keener, PharmD, MPH, BCPS and Brandy Seignemartin, PharmD, AKPhA Executive Director provided an update on the following items:
 - Thanked for the board for engaging with the public.
 - Provided an update on prescriptive authority, SB 121, Federal PBM legislation SB 2973 update, Medicaid.
 - Discussed the forming of the Alaska Pharmacy Leadership Council Charter.
 - Goal to have first meeting of the Charter at the February AKPhA annual meeting.
 - Discussed upcoming meetings.
 - See slideshow presentation below.

- University of Alaska/Idaho State University Pharmacy Program – Jennifer L. Adams, PharmD, EdD, FAPhA, FNAP, and Tom Wadsworth, PharmD, BCPS, Interim Dean UAA, provided an update on the following items:
 - Discussed UAA contract renewal.
 - Discussed leadership changes in the pharmacy program at UAA.
 - Discussed Faculty/Staff Development
 - Discussed Admissions/Enrollment
 - Discussed PharmCAS decline
 - Discussed CAPPRE
 - Discussed
 - See slideshow presentation below.

Agenda Item #8 Adjourn for Lunch (off record at 12:07)

James Henderson made a motion to adjourn for lunch, seconded by Sylvain Nouvion.

Roll Call:

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

It was resolved to adjourn for lunch.

Agenda Item #9 Roll Call/Call to Order (on record at 12:38pm)**Roll Call:**

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

Sara Rasmussen joined the meeting at 1:06pm

Agenda Item #10 Public Comment Period**Discussion:**

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

Agenda Item #11 Statutes and Regulations Discussion**Discussion:**

- Implementing Solutions Report
 - Ashley Schaber gave an overview of the report from the June 2023 NABP Summit.
 - Ashley Schaber discussed the action items.
 - Mental Health resources provided by NABP are posted on the board website.
 - Ashley Schaber asked to create a task to update this report by February meeting.
- Independent Prescriptive Authority
 - Ashley Schaber discussed the district 6, 7, 8 NABP meeting and the presentation provided by Rob Geddes of Albertson's.
 - Ashley Schaber went through the slide presentation for the board and asked Liz Moir Director of Patient Care Service for Albertson's to provide input.
 - Ashley Schaber stated this topic is in the annual report as a subject the board wants to pursue.
 - Carla Hebert stated prescriptive authority is a valid way to expand pharmacy practice.
 - Ramsey Bell stated she agrees with the subject but until the board finds a solution to the Pharmacist shortage the focus should be on not increasing the already large workload.
 - James Henderson stated the liability is an issue and is not sure insurance would cover pharmacists. Ramsey Bell agreed.
 - Liz Moir stated that Albertson's pharmacists' insurance is covered by the company.

- Sylvain Nouvion asked Liz Moir to provide examples of training pharmacists went through for prescriptive authority.
- Liz Moir discussed protocols in place and more in-depth training for areas such as contraception.
- James Henderson asked Liz Moir if certifications for training on various prescriptions are required in Idaho.
- Liz Moir stated most areas do not require certifications.
- Jennifer Adams stated the language the board has been considering is enough however employers may require additional training on various products before staff can independently prescribe that product. Vaccinations for example have become commonplace and normal in pharmacies.
- Ashley Schaber stated Alaska has pharmacists in the federal and VA system that have independent prescriptive authority, but state statutes and regulations do not allow for it. Ashley Schaber would like to see the barriers removed for state licensed pharmacists.
- Carla Hebert stated the VA has been operating with independent prescriptive authority for years and agrees restriction should be removed for state licensees.
- Sara Rasmussen asked if state legislators have been involved in any conversations on independent prescriptive authority.
- Ashley Schaber stated preliminary conversations have happened. Alaska would not be the first state to pursue this. The healthcare system in general in Alaska has limited hospital beds, ER space, and other services in general; there needs to be a collaborative effort for all disciplines to practice at the top of scope.
- Sara Rasmussen stated she would support efforts to involve legislature. Gave example of pushback naturopath board experienced by legislature to not understanding the scope of practice.
- Ashley Schaber stated under the current PREP Act pharmacists can independently prescribe treatment for covid after a positive test result, but this will end at the end of the year.
- James Henderson stated the board should probably come up with a partial statute language to address areas as a framework; Representative Ruffridge has been supportive of the board in the past.
- Ashley Schaber stated there is some language already in statute, but it needs to be cleaned up and clarified.
- James Henderson agreed and stated the statute should be more open ended.
- Carla Hebert asked if Idaho has a list of medications allowed by statute or how is a new medication added to the list.
- Liz Moir stated the language is broad, similar to Colorado. Gave examples of male pattern hair loss and eyelash growth services.
- Sara Rasmussen stated a potential area of concern is abortion medications, advised the board this could be a hold up.
- Liz Moir stated most states exclude abortion medications from independent prescriptive authority.
- Jennifer Adams stated Idaho statute is broad and removed the requirement to have a list of approved items. American Legislation Exchange Council (ALEC) has model language.
- Ashley Schaber discussed the language in AS 08.80.337
- Sara Rasmussen stated she is concerned with patients receiving medical care without receiving necessary tests to diagnose such as ultrasound.

- Liz Moir stated there are some state protocols that specifically state items not allowed.
- James Henderson stated he agrees with Jennifer Adams concerning keeping statute open ended.
- Ashley Schaber stated she wants the requirement for collaborative practice to remain but open up more doors for pharmacists to provide care.
- Carla Hebert stated pharmacists are really aware of their education and the training they receive allowing them to practice and would be very aware that some things would not be in their purview.
- Liz Moir agreed with Carla Hebert and reiterated pharmacists follow scope of practice.
- James Henderson requested the language Idaho uses to address independent prescriptive authority.
- Incorporation of USP 797 into Regulation
 - Tabled until February meeting by motion and unanimous decision.
- Modifying or Removing Section 12 AAC 52.150
 - Related to Pharmacists Working for Tribal Health Programs
 - Ashley Schaber discussed the requirement to submit an exemption form to the division.
 - Michael Bowles described the process of the exemption process by staff.
 - James Henderson asked if this was even allowed.
 - Sara Rasmussen recommended getting an opinion from LAW.
- Temporary or Unexpected Closures of Pharmacies
 - Carla Hebert asked for clarification on temporary closures.
 - Ramsey Bell discussed the recent closures of Walgreens and other retail pharmacies that are closing due to staffing issues. It makes it difficult to transfer prescriptions to other pharmacies for continuity of care. A new prescription is required. Insurance companies are very hesitant to reverse claims.
 - Sara Rasmussen asked if there is any evidence that regulation helps in other jurisdictions.
 - Carla Hebert asked if the closures are happening with no notice.
 - Ramsey Bell stated it is almost always no notice.
 - Ashley Schaber stated that the pharmacy reimbursement model overall plays a role in shortages/closures. There are a lot of factors in this problem. Is a regulation change needed?
 - Ramsey Bell stated the burden on the pharmacy is less than patients that cannot get their medications.
 - Ashley Schaber asked if anyone was opposed to a regulation change, no members responded.
 - Ashley Schaber discussed other jurisdictions' language addressing temporary closures.
 - Ramsey Bell stated concerns with loopholes that would allow pharmacies to just move staff around every few days and having rolling closures.
 - James Henderson asked if any entities have reach out to pharmacy "higher ups" to find out what is being done.
 - Sylvain Nouvion stated he has worked for Walgreens since 2012 and staffing has always been an issue with the last 3 years being really bad. Better communication is important, there isn't adequate communication at this time.
 - Sara Rasmussen stated a further study of the regulation should occur.
 - Rasmey Bell stated options need to be further looked into.
 - Task created Michael Bowles follow up with NABP to find out what states have restrictions in place and how they have impacted closures.

- Task created for Ashley Schaber to follow up with DOH on conversations with corporate pharmacies.
- Sara Rasmussen asked if any other jurisdiction has rules about filled prescriptions and closures.
- Task for Michael to ask Sylvan Robb to invite Lori Wing-Heier, Director of the Division of Insurance, to attend December 07, 2023 special meeting.
- Modify or Remove Multistate Pharmacy Jurisprudence Examination (MPJE) Requirement with the Intent to Improve Licensing Efficiencies
 - Carla Hebert stated removal of MPJE requirement would speed up application times.
 - Sylvain Nouvion stated people that fail do not necessarily not know the law, the questions are not worded well.
 - James Henderson and Ramsey Bell stated there needs to be some sort of Alaska pharmacy law even if it is written by the board.
 - Ashley Schaber discussed the question update process. There are many edits that need to happen. Changes to statute and regulation creates problems. Ran into problems trying to access the software to update the questions. Updates to questions have been requested through NABP multiple times and the changes have not been completed. The MPJE process is a factor in licensing delays.
 - Ramsey Bell stated the board should not do away with an exam completely.
 - James Henderson suggested the board create an exam and administer the exam.
 - Ashley Schaber stated creating an internal law exam is a possibility.
 - Ramsey Bell stated concerns of lowering standards for applicants.
 - James Henderson stated he would be open to an internal exam focused on ensuring applicants understand what really needs to be known in Alaska law.
 - Carla Hebert agreed with James Henderson.
 - Michael Bowles described the licensing process and time involved with the MPJE.
 - Ashley Schaber discussed what would be required in regulation for a change.
 - Sara Rasmussen asked if licensees violated law is it dependent upon passing the MPJE. Stated the MPJE seems like a barrier and not a benefit.
 - Ramsey Bell agreed with Sara Rasmussen.
- FDA Good Manufacturing Practices language under manufacturer regulations, same as Outsourcing facilities
 - Tabled until February meeting due to running out of time.

Motion: James Henderson motioned to have Ashley Schaber pursue discussions with the Alaska legislation to pursue a statute change to AS 08.80.337 to allow pharmacists to practice at the top of their clinical ability, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved to have Ashley Schaber pursue discussions with the Alaska legislation to pursue a statute change to AS 08.80.337 to allow pharmacists to practice at the top of their clinical ability.

Motion: Ashley Schaber moved and asked for unanimous support to table the discussion on USP 797 until a future board meeting.

It was resolved by unanimous support to table the discussion on USP 797 until a future board meeting.

Motion: James Henderson motioned to pursue a regulation change to remove 12 AAC 52.150 from the board of pharmacy regulations, seconded by Carla Hebert.

Recorded Votes:

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

It was resolved to pursue a regulation change to remove 12 AAC 52.150 from the board of pharmacy regulations.

Motion: Ashley Schaber moved that the board pursue statute and regulation changes to repeal the requirement for pharmacist applicants through examination and reciprocity take and pass the MPJE as well as add an attestation to all pharmacist applications stating they have reviewed and understand Alaska law, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved that the board pursue statute and regulation changes to repeal the requirement for pharmacist applicants through examination and reciprocity take and pass the MPJE as well as add an attestation to all pharmacist applications stating they have reviewed and understand Alaska law.

Motion: Carla Hebert motioned to have the board pursue a statute and regulation change to allow for non-punitive addiction treatment, seconded by James Henderson.

Recorded Votes:

Ashley Schaber - Yes
Sara Rasmussen - Yes
James Henderson - Yes

Carla Hebert - Yes
 Ramsey Bell – Yes
 Sylvain Nouvion – Yes

It was resolved to have the board pursue a statute and regulation change to allow for non-punitive addiction treatment.

Agenda Item #12 Board Business

Discussion:

- Pacifico National DBA AmEx Pharmacy Hearing and Recommendation Review
 - The board moved into deliberative session with Judge Lawrence Pederson
- Tasks List Review did not occur due to running out of time.
- Letters of Support for National Legislation
 - Moved to an OnBoard vote.
- Application Reviews – Executive Session
 - Michael Martinez – Pharmacy Technician
 - M & D Specialty Distribution, LLC – Out-of-State Wholesaler
 - Morris & Dickson Co., LLC – Out-of-State Wholesaler
 - Pope Shenouda LLC DBA First Choice Pharmacy – Out-of-State Pharmacy
- Non-Punitive Addiction Treatment Assistance with Self-Referral
 - Ashley Schaber introduced this topic to the board.
 - Pam Ventgen, Alaska Physician Health Committee Coordinator, introduced herself and discussed the program.
 - Carla Hebert stated she supports this moving forward.
 - James Henderson and Sylvain Nouvion agreed.
- Board Position Elections
 - Chairperson
 - Vice Chairperson
 - Secretary
- Disciplinary Matrix Update Discussion
 - Tabled until next quarterly meeting due to running out of time.
- Reporting Disciplinary Actions
 - Tabled until next quarterly meeting due to running out of time.
- Epinephrine Course Material
 - Moved to an OnBoard vote.
- Look Ahead at 2024 Conferences - Tabled until next quarterly meeting due to running out of time.
 - February 16-18, 2024 – AKPhA Annual Convention and Tradeshow (Anchorage, AK)
 - April 01-04, 2024 – Rx and Illicit Drug Summit (Atlanta, GA)
 - May 14-17, 2024 – NABP Annual Meeting (Fort Worth, TX)
 - September (TBD) – AKPhA Fall Health System Academy Conference (Girdwood, AK)
 - October 20-23, 2024 – NABP District 6, 7, 8 Meeting (Albuquerque, NM)
- Tasks List Update did not occur due to running out of time.

Motion: Ashley Schaber motioned to move the board into deliberative session under AS 44.62.310(d) solely to make a decision in the following adjudicatory proceeding:

In the matter of Pacifico National, Inc. dba AmEx Pharmacy, Board Case Number 2023-000289, Office of Administrative Hearings Case Number 23-0263-PHA.

The parties, their attorneys, all members of the Board's staff, and all members of the public will be excluded from the deliberative session. The administrative law judge will be invited to remain with the board during the deliberative session., seconded by James Henderson.

Recorded Votes:

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

It was resolved to move the board into deliberative session under AS 44.62.310(d) solely to make a decision in the following adjudicatory proceeding:

In the matter of Pacifico National, Inc. dba AmEx Pharmacy, Board Case Number 2023-000289, Office of Administrative Hearings Case Number 23-0263-PHA.

The parties, their attorneys, all members of the Board's staff, and all members of the public will be excluded from the deliberative session. The administrative law judge will be invited to remain with the board during the deliberative session.

Off record for executive session at 3:03pm
On record from executive session at 3:20pm

No motions were made during the deliberative session.

Motion: Carla Hebert motioned pursuant to AS 44.64.060(e)(2), I move that the Board *remand* Board Case Number 2023-000289, Office of Administrative Hearings Case Number 23-0263-PHA to the administrative law judge:

To take additional evidence on ... Whether Pacifico National, Inc. dba AmEx Pharmacy has ceased its Florida operations and surrendered its Florida Pharmacy license, and if so, determine whether this case should be dismissed, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved pursuant to AS 44.64.060(e)(2), I move that the Board *remand* Board Case Number 2023-000289, Office of Administrative Hearings Case Number 23-0263-PHA to the administrative law judge:

To take additional evidence on ... Whether Pacifico National, Inc. dba AmEx Pharmacy has ceased its Florida operations and surrendered its Florida Pharmacy license, and if so, determine whether this case should be dismissed.

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. Ramsey Bell, Ashley Schaber, Carla Hebert, James Henderson, Sara Rasmussen, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2023-000767.

Recorded Votes:

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

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

Off record for executive session at 3:31pm
On record from executive session at 3:43pm

No motions were made during the executive session.

Motion: Ashley Schaber motioned to accept the imposition of civil fine order in the amount of \$1000 for case 2023-000767 as written, seconded by James Henderson.

Recorded Votes:

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

It was resolved to accept the imposition of civil fine order in the amount of \$1000 for case 2023-000767.

Motion: On a motion made by James Henderson in accordance with AS 44.62.310(c)(2) and seconded by Sylvain Nouvion 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. Ramsey Bell, Carla Hebert, Sylvain Nouvion, James Henderson, Sara Rasmussen, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2023-000402.

Recorded Votes:

Ashley Schaber - Abstain

Sara Rasmussen - Yes

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 3:48pm

On record from executive session at 3:51pm

No motions were made during the executive session.

Motion: James Henderson motioned to accept the imposition of civil fine order in the amount of \$300 for case 2023-000402 as written, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - Abstain

Sara Rasmussen - Yes

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Nouvion – No vote

It was resolved to accept the imposition of civil fine order in the amount of \$300 for case 2023-000402.

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. Ramsey Bell, Ashley Schaber, Carla Hebert, James Henderson, Sara Rasmussen, Sylvain Nouvion, and Michael Bowles were authorized to remain in the room. Applications discussed will be:

- Michael Martinez – Pharmacy Technician
- M & D Specialty Distribution, LLC – Out-of-State Wholesaler
- Morris & Dickson Co., LLC – Out-of-State Wholesaler
- Pope Shenouda LLC DbA First Choice Pharmacy – Out-of-State Pharmacy

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes
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 4:01pm
On record from executive session at 4:40pm

No motions were made during the executive session.

Motion: James Henderson motioned to approve the application for Michael Martinez with a consent agreement with a 2-year probation to disclose any criminal charges or convictions to the board within 10 days, seconded by Carla Hebert.

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

It was resolved to approve the application for Michael Martinez with a consent agreement with a 2-year probation to disclose any criminal charges or convictions to the board within 10 days.

Motion: James Henderson motioned to approve the application for M & D Specialty Distribution, LLC, seconded by Sylvain Nouvion.

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

It was resolved to approve the application for M & D Specialty Distribution, LLC.

Motion: Ashley Schaber motioned to approve the application for Morris & Dickson Co., LLC, seconded by James Henderson.

Recorded Votes:
Ashley Schaber - Yes

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

It was resolved to approve the application for Morris & Dickson Co., LLC.

Motion: James Henderson motioned to approve the application for Pope Shenouda LLC Db a First Choice Pharmacy, seconded by Carla Hebert.

Recorded Votes:

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

It was resolved to approve the application for Pope Shenouda LLC Db a First Choice Pharmacy.

Motion: James Henderson motioned to elect Ashley Schaber as the chairperson, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved to elect Ashley Schaber as the chairperson.

Motion: Carla Hebert motioned to elect James Henderson as the vice chairperson, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved to elect James Henderson as the vice chairperson.

Motion: Carla Hebert motioned to elect Ramsey Bell as the secretary, seconded by Sara Rasmussen.

Recorded Votes:

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

It was resolved to elect Ramsey Bell as the secretary.

Agenda Item #13 Chair Final Comments

Discussion:

- Add committee assignments to next quarterly board meeting.
- Next meeting date will be February 15, 2024

Agenda Item #14 Adjourn

Motion: Sara Rasmussen motioned to adjourn, seconded by Carla Hebert.

Recorded Votes:

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

It was resolved to adjourn at 5:48pm.