

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

BOARD OF PHARMACY

CONDENSED MINUTES OF THE SPECIAL MEETING HELD DECEMBER 07, 2023

Date: December 07, 2023
Time: 4:00pm – 6:00pm
Location: Teleconference
Attending: Board Members: Ashley Schaber, Sylvain Nouvion, James Henderson, Carla Hebert
Staff: Michael Bowles, Stefanie Davis
Absent: Ramsey Bell, Sara Rasmussen

Agenda Item #1. Roll Call/Call to Order

On the record at 4:03pm.

Roll Call:

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

Agenda Item #2 Review/Approve Agenda

Discussion: None

Motion: Carla Hebert moved to approve the agenda as written for Special Board Meeting; Sylvain Nouvion seconded the motion.

Recorded Votes:

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

It was resolved to approve the agenda as written for the Special Board Meeting by a majority vote.

Agenda Item #3 Ethics Disclosures

Discussion:

- Ashley Schaber disclosed she is a member of the AKPhA Legislative Committee.

Agenda Item #4 Review and Discuss Public Comments for Proposed Regulations Changes

Discussion:

- 12 AAC 52.010 through 12 AAC 52.995
 - Carla Hebert stated more than a third of other states, approximately 19, require the Pharmacist-in-Charge (PIC) of a pharmacy located outside the state to be licensed in the state where the pharmacy sends medications.
 - Ashley Schaber stated HB112 removed the requirement for affidavits of good moral character.
 - Carla Hebert stated the person who wrote the handwritten comments seems to have just had a bad experience with getting a prescription filled.
 - Ashley Schaber and James Henderson asked if the board should respond to the concerns the person who submitted the handwritten comment had.
 - Stefanie Davis, Regulations Specialist, stated the board can respond to questions that are posed to the board after a meeting.
 - Task created to reach out to the person who submitted the handwritten comment and provide them with investigations resources.
 - James Henderson stated Carrie Urena, OTP Pharmacist with SEARHC, would be a good resource for Medication Assisted Treatment (MAT) moving forward.
 - James Henderson stated the comment submitted concerning removing the one-year requirement is an interesting idea.
 - Ashley Schaber stated we took it out, but we should not have, because it's actually statutorily required. There is an avenue for pharmacists who have engaged in the practice of pharmacy for less than a year, they could apply through examination so there is still an avenue to get licensed. It's just not through reciprocity.
 - Michael Bowles stated if a pharmacist is already practicing in another location, another jurisdiction, say for 6 months, and they also want to practice in the State of Alaska they can submit an application to become licensed through examination.
 - Carla Hebert asked what the time limit is for score transfer.
 - The board reviewed the regulations for all pharmacy application types.
 - Task created to look into the need of a statute or regulation change addressing score transfer period to ensure there is no gap that would inhibit applicants.

Motion: In considering public comments and costs to private persons, Carla Hebert moved to adopt the regulations for file 2023200336 as presented and publicly noticed, seconded by James Henderson.

Recorded Votes:

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

It was resolved by a majority vote to adopt the regulations for file 2023200336 as presented and publicly noticed.

Agenda Item #5 Temporary or Unexpected Closures of Pharmacies

Discussion:

- Ashley Schaber stated at the November sixteenth quarterly board meeting the board had a conversation about whether we needed a regulation change to address unexpected closures of pharmacies in the community, and changes to hours that were ultimately limiting access to some prescriptions. One of the tasks from the last meeting was to look at how many other states have regulations related to pharmacy closures, things that need to be done in the event that a pharmacy is going to close or not operate during their usual hours.
- Carla Hebert stated after reviewing the material it seems there's significant precedent to require this here in Alaska. It seems there are many boards in other states making requirements making sure that patients can get their prescriptions and refills if they're closed and to provide notice to the board and address closures.
- Ashley Schaber stated company leadership was contacted for a community pharmacy to discuss closures with that company. That company stated the staffing situation should significantly improve soon. If the board makes a regulation change, we need to recognize it would not just be for one individual company - that this would be impactful for all pharmacies, all types of pharmacies.
- James Henderson stated he is not opposed to pursuing regulations addressing closures and staffing shortages.
- Ashley Schaber stated one of the new regulations just approved may help, regulations establishing continuous quality improvement processes.
- Sylvain Nouvion stated there's no way to see what the board action is to address the issues in other states.
- Sylvain Nouvion asked Michael Bowles what the process would be if the board received complaints because it's one thing to inform the board but it's another thing for the board to inform the public.
- Michael Bowles explained the complaint and investigative process to the board.
- Ashley Schaber discussed a conversation she had with another board on whether they saw improvements with added regulations. The board member stated there were still problems in the state with more prescriptive regulation. The board member said pharmacists are reluctant to fill PIC roles fearing they may be disciplined for things out of their control.
- James Henderson discussed the approach could be made through standard of practice rather than more regulation, stays in line with "right touch" regulation.
- James Henderson stated breaking down amounts of days and requirement for closures for those timelines would not be helpful.
- Michael Bowles brought up 12 AAC 52.050.
- James Henderson stated he did not think that 12 AAC 52.050 was the appropriate place to address temporary closures.
- The board discussed as a group how the language of the addition should read to keep the guidance open ended while addressing standard of practice.
- James Henderson suggested language added to 12 AC 52.060 (e) In the event of an unexpected temporary closure the pharmacy shall arrange for uninterrupted patient service.

Motion: Ashley Schaber moved to start the regulations change process to add section (e) to 12 AAC 52.060 stating, “In the event of an unexpected temporary closure the pharmacy shall arrange for continuity of patient care”, seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen – No Vote

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – No Vote

Sylvain Nouvion – Yes

It was resolved by a majority vote to start the regulations change process to add section (e) to 12 AAC 52.060 stating, “In the event of an unexpected temporary closure the pharmacy shall arrange for continuity of patient care”.

Agenda Item #6 Guest Speakers on Just Culture

Discussion:

- Cristan McLain, Director of Quality, Alaska Hospital and Healthcare Association (AHHA)

- Kimberly Grinston, J.D., Executive Director, Missouri Board of Pharmacy

- Task created for the board to pursue additional training on just culture.

Agenda Item #6 Chair Final Comments

Discussion:

- Next board meeting is February 15, 2024
- Tentative meeting dates
 - April 11, 2024, In person
 - August 22, 2024, In person
 - November 14, 2024, In person

Agenda Item #7 Adjourn

Motion: James Henderson motioned to adjourn, seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber – No Vote

Sara Rasmussen - No Vote

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – No Vote

Sylvain Nouvion – Yes

It was resolved to adjourn at 5:47pm.