

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: Kady Levale, Office of the Lieutenant Governor 
465.3509

DATE: June 7, 2022

RE: Filed Permanent Regulations: Board of Pharmacy

Department of Commerce, Community and Economic Development; Board of
Pharmacy regulations re: licensing; emergency permits; license renewal; definitions
(12 AAC 52)

Attorney General File:	2022200056
Regulation Filed:	6/7/2022
Effective Date:	7/7/2022
Print:	243, October 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached six pages of regulations, dealing with temporary military courtesy licenses, emergency permit, license renewal, and duties of executive administrator, are hereby certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its March 25, 2022 teleconference meeting, under the authority of AS 08.01.062, AS 08.01.063, AS 08.01.100, AS 08.80.005, AS 08.80.030, AS 08.80.147, AS 08.80.150, AS 08.80.155, AS 08.80.157, AS 08.80.165, AS 08.80.261, and AS 08.80.270, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Pharmacy paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: _____

Laura Carrillo Digitally signed by Laura Carrillo
Date: 2022.03.31 00:51:09 -08'00'

Laura Carrillo, Executive Administrator
Alaska Board of Pharmacy

FILING CERTIFICATION

Kady Levale for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that
on June 7, 2022 at 10:27 a.m., I filed the attached
regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kady
for Kevin Meyer, Lieutenant Governor

Effective: July 7, 2022
Register: 24th October 2022

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 52. Board of Pharmacy.

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.105. Temporary military courtesy licenses. (a) The board ^{will} ~~shall~~ issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a pharmacist, pharmacy intern, or pharmacy technician who meets the requirements of AS 08.01.063 and this section ^{not later than} ~~within~~ 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section ^{must} ~~must~~

(1) ^{must} submit a completed application on a form provided by the department;

(2) ^{must} pay the temporary license application and license ^{fee for a temporary} ~~fee~~ set out under

12 AAC 02.105;

(3) ^{must} submit a copy of the applicant's ^{TP (A)} ~~military identification or military dependent identification card and a copy of~~ current active duty military orders showing assignment to a duty station in this state; ^{or} ^{must} ^{TP (B)} ~~if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;~~

(4) ^{must} submit verification on a form provided by the department that the applicant is currently licensed in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements; and

(5) ^{may} not have been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacist, pharmacy intern, or pharmacy technician competently and safely. ^{as determined by the board.}

(c) A temporary military courtesy license to ^{issued an} active duty military ^{member} ~~personnel~~ or spouse of ^{an active duty} military ^{member} ~~personnel~~ under this section will be issued for a period of 180 days and may be renewed

Register 243, October 2022 **PROFESSIONAL REGULATIONS**
180-day at the discretion of not to exceed 180 days close
for one additional period specified by the board.

(d) For an applicant applying for licensure under this section as a pharmacy technician,
the board will accept as substantially equivalent any training completed while in the United
States armed forces to work as a pharmacy technician or any technician license issued by another
jurisdiction.

(e) While practicing under a temporary military courtesy license issued under this section,
the holder of the temporary military courtesy license must comply with the standards of practice
set out in AS 08.80 and this chapter.

(f) The board may refuse to issue a temporary military courtesy license for the same
reasons that it may deny, suspend, or revoke a license under AS 08.80.261. (Eff.

7/7/2022, Register 243

Authority:	AS 08.01.062	AS 08.80.005	AS 08.80.150
	AS 08.01.063	AS 08.80.030	AS 08.80.261

12 AAC 52.110 is amended to read:

12 AAC 52.110. Emergency permit [LICENSURE] to practice as a pharmacist,
pharmacy intern, or pharmacy technician. (a) An emergency permit may be issued to
practice as a pharmacist, pharmacy intern, or pharmacy technician in an urgent situation
as determined by the board if the applicant [IF THE BOARD DETERMINES THAT AN
EMERGENCY EXISTS REQUIRING THE PROVISION OF LICENSED COVERAGE IN A
PHARMACY THAT IS TEMPORARILY WITHOUT THE SERVICES OF A PHARMACIST
DUE TO DEATH, ILLNESS, OR OTHER EMERGENCY CIRCUMSTANCES, THE BOARD
MAY ISSUE AN EMERGENCY PHARMACIST, PHARMACY INTERN, OR PHARMACY
TECHNICIAN PERMIT TO AN APPLICANT WHO]

- (1) submits a completed application on a form provided by the department;
- (2) pays the emergency permit fee required in 12 AAC 02.310; *((Please retain/ lowercase/remove brackets for circled language))*
- (3) *((bold/ u.l.)) confirms [SUBMITS VERIFICATION]* submits primary source verification *holds a license [IS CURRENTLY LICENSED]* [ON A FORM PROVIDED BY THE DEPARTMENT] that the applicant is *currently licensed* in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain *the required* *mandatory [THE REQUIRED]* continuing education requirements;
- (4) repealed 10/31/2019; and
- (5) has not been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely.

(b) An emergency permit [UNDER (a) OF THIS SECTION] is nonrenewable, and is valid for 120 consecutive [90] days or until the urgent situation is determined by the board to [EMERGENCY CIRCUMSTANCES] no longer exist, whichever is sooner [SHORTER].

(c) Repealed 11/19/2020.

(d) Repealed 7 / 7 / 2022 [IN AN URGENT SITUATION, THE BOARD MAY ISSUE AN EMERGENCY COURTESY LICENSE TO PRACTICE AS A PHARMACIST, PHARMACY INTERN, OR PHARMACY TECHNICIAN TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION. THE BOARD MAY RESTRICT THE LICENSE TO ONLY THOSE SERVICES REQUIRED TO RESPOND TO THE URGENT SITUATION. THE LICENSEE MAY NOT PRACTICE AS A PHARMACIST, PHARMACY INTERN, OR PHARMACY TECHNICIAN OUTSIDE THE SCOPE OF THE LIMITED PURPOSE FOR WHICH THE EMERGENCY COURTESY LICENSE IS ISSUED].

(e) Repealed 7 / 7 / 2022 [AN APPLICANT FOR AN EMERGENCY COURTESY LICENSE UNDER THIS SECTION MUST SUBMIT TO THE DEPARTMENT A

Register 243, October 2022 **PROFESSIONAL REGULATIONS**

COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT. A COMPLETE APPLICATION INCLUDES THE APPLICABLE APPLICATION AND LICENSING FEES ESTABLISHED IN 12 AAC 02.105].

(f) **Repealed** 7 / 7 / 2022 [AN EMERGENCY COURTESY LICENSE ISSUED UNDER THIS SECTION IS VALID FOR THE PERIOD SPECIFIED BY THE BOARD AND MAY NOT EXCEED 120 CONSECUTIVE DAYS. AN EMERGENCY COURTESY LICENSE MAY BE RENEWED FOR ONE ADDITIONAL PERIOD SPECIFIED BY THE BOARD, NOT TO EXCEED 120 CONSECUTIVE DAYS].

(g) The board will not issue, and an emergency **permit** [COURTESY LICENSE] holder may not use, an emergency **permit** [COURTESY LICENSE] as a substitute for a temporary license or other license required under AS 08.80.

(h) While practicing under an emergency **permit** [COURTESY LICENSE ISSUED UNDER THIS SECTION], the holder of the emergency courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

(i) The board may refuse to issue an emergency **permit** [COURTESY LICENSE] for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261.

(j) In this section, "urgent situation" means a health crisis requiring an increased availability of pharmacists, pharmacy interns, [.] or pharmacy technicians. (Eff. 1/16/98, Register 145; am 1/17/2007, Register 181; am 8/12/2007, Register 183; am 10/31/2019, Register 232; am 11/19/2020, Register 236; am 7 / 7 / 2022, Register 243)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.155

12 AAC 52.300 is amended to read:

12 AAC 52.300. License renewal. (a) Pharmacy, **remote pharmacy**, wholesale drug

distributor, outsourcing facility, third-party logistics provider, pharmacist, pharmacy

technician, and drug room licenses ^{must be renewed biennially on or before a date set by the department} expire on June 30 of even-numbered years, unless extended

EXPIRE ON JUNE 30 OF EVEN-NUMBERED YEARS due to an emergency or extenuating circumstance as determined by the board.

(b) An applicant for renewal of a pharmacy, wholesale drug distributor, outsourcing facility, third-party logistics provider, or drug room license must [SHALL] 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 [COMPLETED] self-inspection of the premises using the [QUESTIONNAIRE ON A] 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 self-inspection must be retained, and available upon request, for the duration of the licensing period in which it was completed.

(c) An applicant for renewal of a pharmacist or pharmacy technician license shall 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 the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350;

(4) repealed 4/3/2020.

(d) A pharmacy that has changed its name, physical address, or ownership since the date it was first issued or last renewed is not eligible for renewal.

(e) A wholesale drug distributor that has changed its name, physical address, ownership, or facility manager is not eligible for renewal if the change occurred 30 days

Register 243, October 2022 **PROFESSIONAL REGULATIONS**

after the date a renewal application is submitted to the board.

(f) An outsourcing facility or third-party logistics provider that has changed its name, physical address, ownership, or facility manager is not eligible for renewal.

(g) All renewal applications will be administratively processed and will not require board review unless the executive administrator has reason to believe that renewing the license poses an immediate threat to public health or safety. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 5/5/2000, Register 154; am 5/26/2006, Register 178; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 1 / 1 / 2022, Register 243)

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.157
AS 08.80.005 AS 08.80.147 AS 08.80.165

12 AAC 52.993 is amended by adding a new paragraph to read:

(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.

(Eff. 10/31/2019, Register 232; am 1 / 1 / 2022, Register 243)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.270

12 AAC 52.140(c) is repealed:

(c) Repealed 1 / 1 / 2022. (Eff. 1/16/98, Registers 145; am 2/15/2006, Registers 177; am 1/17/2007, Registers 181; am 1 / 1 / 2022)

Authority: AS 08.80.005 AS 08.80.030

Chapter 52. Board of Pharmacy.

(Rekeyed Version)

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.105. Temporary military courtesy license. (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States who meets the requirements of AS 08.01.063 and this section to practice as a pharmacist, pharmacy intern, or pharmacy technician not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

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

(2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;

(3) must submit a copy of

(A) the applicant's current active duty military orders showing assignment to a duty station in this state; or

(B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;

(4) must submit verification on a form provided by the department that the applicant is currently licensed in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements; and

(5) may not have been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacist, pharmacy intern, or pharmacy technician

competently and safely, as determined by the board.

(c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

(d) For an applicant applying for licensure under this section as a pharmacy technician, the board will accept

(1) any training completed while in the United States armed forces to work as a pharmacy technician; or

(2) any pharmacy technician license issued by another jurisdiction.

(e) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

(f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261. (Eff.

_____/_____/_____, Register _____)

Authority: AS 08.01.062 AS 08.80.005 AS 08.80.150

AS 08.01.063 AS 08.80.030 AS 08.80.261

12 AAC 52.110 is amended to read:

12 AAC 52.110. Emergency permit [LICENSURE] to practice as a pharmacist, pharmacy intern, or pharmacy technician. (a) If the board has identified an urgent situation, as defined under (j) of this section, the board may issue an emergency permit to practice as a pharmacist, pharmacy intern, or pharmacy technician to an applicant who meets the requirements of this section if the applicant [IF THE BOARD DETERMINES

THAT AN EMERGENCY EXISTS REQUIRING THE PROVISION OF LICENSED
COVERAGE IN A PHARMACY THAT IS TEMPORARILY WITHOUT THE SERVICES OF
A PHARMACIST DUE TO DEATH, ILLNESS, OR OTHER EMERGENCY
CIRCUMSTANCES, THE BOARD MAY ISSUE AN EMERGENCY PHARMACIST,
PHARMACY INTERN, OR PHARMACY TECHNICIAN PERMIT TO AN APPLICANT
WHO]

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

(2) pays the emergency permit fee required in 12 AAC 02.310;

(3) **confirms** [SUBMITS VERIFICATION] on a form provided by the department
that the applicant **holds a license** [IS CURRENTLY LICENSED] in another licensing
jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or
otherwise restricted except for failure to apply for renewal or failure to obtain **mandatory** [THE
REQUIRED] continuing education requirements;

(4) repealed 10/31/2019; and

(5) has not been convicted of a felony or another crime that affects the applicant's
ability to practice pharmacy competently and safely.

(b) An emergency permit [UNDER (a) OF THIS SECTION] is nonrenewable, and is
valid for **120 consecutive** [90] days or until the **urgent situation is determined by the board to**
[EMERGENCY CIRCUMSTANCES] no longer exist, whichever is **sooner** [SHORTER].

(c) Repealed 11/19/2020.

(d) **Repealed** / / [IN AN URGENT SITUATION, THE BOARD MAY
ISSUE AN EMERGENCY COURTESY LICENSE TO PRACTICE AS A PHARMACIST,
PHARMACY INTERN, OR PHARMACY TECHNICIAN TO AN APPLICANT WHO MEETS
THE REQUIREMENTS OF THIS SECTION. THE BOARD MAY RESTRICT THE LICENSE

TO ONLY THOSE SERVICES REQUIRED TO RESPOND TO THE URGENT SITUATION. THE LICENSEE MAY NOT PRACTICE AS A PHARMACIST, PHARMACY INTERN, OR PHARMACY TECHNICIAN OUTSIDE THE SCOPE OF THE LIMITED PURPOSE FOR WHICH THE EMERGENCY COURTESY LICENSE IS ISSUED].

(e) **Repealed** / / [AN APPLICANT FOR AN EMERGENCY COURTESY LICENSE UNDER THIS SECTION MUST SUBMIT TO THE DEPARTMENT A COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT. A COMPLETE APPLICATION INCLUDES THE APPLICABLE APPLICATION AND LICENSING FEES ESTABLISHED IN 12 AAC 02.105].

(f) **Repealed** / / [AN EMERGENCY COURTESY LICENSE ISSUED UNDER THIS SECTION IS VALID FOR THE PERIOD SPECIFIED BY THE BOARD AND MAY NOT EXCEED 120 CONSECUTIVE DAYS. AN EMERGENCY COURTESY LICENSE MAY BE RENEWED FOR ONE ADDITIONAL PERIOD SPECIFIED BY THE BOARD, NOT TO EXCEED 120 CONSECUTIVE DAYS].

(g) The board will not issue, and an emergency **permit** [COURTESY LICENSE] holder may not use, an emergency **permit** [COURTESY LICENSE] as a substitute for a temporary license or other license required under AS 08.80.

(h) While practicing under an emergency **permit** [COURTESY LICENSE ISSUED UNDER THIS SECTION], the holder of the emergency courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

(i) The board may refuse to issue an emergency **permit** [COURTESY LICENSE] for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261.

(j) In this section, "urgent situation" means a health crisis requiring an increased availability of pharmacists, pharmacy interns, [.] or pharmacy technicians. (Eff. 1/16/98, Register

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

145; am 1/17/2007, Register 181; am 8/12/2007, Register 183; am 10/31/2019, Register 232; am 11/19/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.155

12 AAC 52.140(c) is repealed:

(c) Repealed ____/____/_____. (Eff. 1/16/98, Register 145; am 2/15/2006, Register 177; am 1/17/2007, Register 181; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.300 is amended to read:

12 AAC 52.300. License renewal. (a) Pharmacy, remote pharmacy, wholesale drug distributor, outsourcing facility, third-party logistics provider, pharmacist, pharmacy technician, and drug room licenses must be renewed biennially on or before a date set by the department [EXPIRE ON JUNE 30 OF EVEN-NUMBERED YEARS].

(b) An applicant for renewal of a pharmacy, wholesale drug distributor, outsourcing facility, third-party logistics provider, or drug room license must [SHALL] 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 [COMPLETED] self-inspection of the premises using the [QUESTIONNAIRE ON A] 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 self-inspection must be retained by the applicant and be made available to the board upon request for the duration of the licensing period in which it was completed.

(c) An applicant for renewal of a pharmacist or pharmacy technician license shall 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 the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350;

(4) repealed 4/3/2020.

(d) A pharmacy that has changed its name, physical address, or ownership since the date it was first issued or last renewed is not eligible for renewal.

(e) A wholesale drug distributor that has changed its name, physical address, ownership, or facility manager is not eligible for renewal if the change occurred 30 days after the date a renewal application is submitted to the board.

(f) An outsourcing facility or third-party logistics provider that has changed its name, physical address, ownership, or facility manager is not eligible for renewal.

(g) All renewal applications will be administratively processed and will not require board review unless the executive administrator has reason to believe that renewing the license poses an immediate threat to public health or safety. (Eff. 1/16/98, Register 145; am

2/26/2000, Register 153; am 5/5/2000, Register 154; am 5/26/2006, Register 178; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am ____/____/_____, Register _____)

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.157

AS 08.80.005 AS 08.80.147 AS 08.80.165

12 AAC 52.993 is amended by adding a new paragraph to read:

(6) review and approve applications for licensure or registration as long as the

Register _____, _____ 2022 **PROFESSIONAL REGULATIONS**

applicant meets the requirements established for the license type for which they are applying.

(Eff. 10/31/2019, Register 232; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.270