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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 19, 2023

RE: Filed Permanent Regulations: Board of Pharmacy

Department of Commerce, Community and Economic Development and the Board of Pharmacy regulations re: administration of vaccines and related emergency medications (12 AAC 52)

Attorney General File:	2022200593
Regulation Filed:	4/19/2023
Effective Date:	5/19/2023
Print:	246, July 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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April 19, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 2022200593 - Department of Commerce,
Community, and Economic Development,
Board of Pharmacy; amendment to 12 AAC 52;
administration of vaccines and related
emergency medications

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Pharmacy against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The Board of Pharmacy adopted the regulations after the close of the public comment period. The regulations amend 12 AAC 52 to comply with recent legislation that removed the limitation that only a pharmacist may administer a vaccine or related emergency medication. Accordingly, the regulations update training, continuing education, and practice requirements for pharmacists, pharmacy technicians, and pharmacist interns to administer vaccines and related emergency medications.

In accordance with AS 44.62.125 we have made a number of technical corrections to the regulations. The corrections are incorporated into the attached copy of the regulations.

To: The Honorable Nancy Dahlstrom
Our file: 2022200593

April 19, 2023
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Both the December 11, 2022 public notice and the March 3, 2023 order certifying the changes to the regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.04.19
15:34:22 -08'00'

RCP:bws

CC w/enclosure: Jun Maiquis, Regulations Specialist
Department of Commerce, Community, and Economic Development

Harriet Milks, Assistant Attorney General
Department of Law

Steve Weaver, Assistant Attorney General
Department of LAW

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached ^{five} four pages of regulations, dealing with pharmacy technicians with national certification to administer an immunization and related emergency medications, continuing education for pharmacy technicians with national certification, and administration of vaccines and related emergency medications, are certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its February 16, 2023 meeting, under the authority of AS 08.01.075, AS 08.01.100, AS 08.80.005, AS 08.80.030, AS 08.80.165, AS 08.80.168, AS 08.80.261, and AS 08.80.480, 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: 3/3/2023

DocuSigned by:



Michael Bowles, Executive Administrator
Alaska Board of Pharmacy

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 19, 2023 at 4:26 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for April Simpson

Nancy Dahlstrom, Lieutenant Governor

Effective: May 19, 2023

Register: 246, July 2023

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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, 2022.



Nancy Dahlstrom
.....

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 52. Board of Pharmacy.

12 AAC 52.235(a) is amended by adding a new paragraph to read:

(4) administer a vaccine or related emergency medication in accordance with

12 AAC 52.992.

(((Publisher – please change the period at the end of 12 AAC 52.235(a)(3) to a semicolon, and move the “or” connector from the end of 12 AAC 52.235(a)(2) to the end of 12 AAC 52.235(a)(3))))

(Eff. 4/3/2020, Register 234; am 8/30/2020, Register 235; am 5 / 19 / 2023, Register 246)

Authority: AS 08.80.005 AS 08.80.030 **AS 08.80.168**

12 AAC 52.325 is amended by adding a new subsection to read:

(e) A pharmacy technician who holds a national certification, before administering a vaccine or related emergency medication under 12 AAC 52.992, shall certify having completed one hour of ACPE-approved continuing education specific to immunizations or vaccines as part of the 10 contact hours of continuing education required under (a) of this section. (Eff. 5/5/2000, Register 154; am 1/18/2002, Register 161; am 1/17/2007, Register 181; am 5 / 19 / 2023, Register 246)

Authority: AS 08.01.100 AS 08.80.030 **AS 08.80.168**
AS 08.80.005 AS 08.80.165

12 AAC 52.992 is repealed and readopted to read:

12 AAC 52.992. Administration of vaccines and related emergency medications. (a)

Before a pharmacist or pharmacy technician who holds a national certification or a pharmacist

intern acting under the supervision of a pharmacist may administer a human vaccine or related emergency medication to a patient who does not have immunization contraindications as listed by the CDC, FDA, or manufacturer's package insert, or to a patient under a prescription drug order from a prescriber, the pharmacist or pharmacy technician who holds a national certification or pharmacist intern acting under the supervision of a pharmacist

(1) must successfully complete a course accredited by the ACPE or a comparable course for pediatric, adolescent, and adult immunization practices that includes instruction as follows:

(A) for a pharmacist or pharmacist intern, training must include

(i) basic immunology, vaccine, and immunization protection;

(ii) diseases that may be prevented by vaccination or

immunization;

(iii) current CDC immunization schedules;

(iv) vaccine storage and handling;

(v) informed consent;

(vi) techniques and routes of administration;

(vii) pre- and post-immunization assessment and counseling;

(viii) immunization reporting and records management; and

(ix) identifying, responding to, documenting, and reporting adverse

responses;

(B) for a pharmacy technician who holds national certification,

training must include

(i) vaccine storage and handling;

(ii) techniques and routes of administration;

(iii) immunization reporting and records management; and

(iv) identifying, responding to, documenting, and reporting adverse responses;

(2) must maintain certification and keep documentation in adult and pediatric cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training;

(3) who has not administered a vaccine during the past 10 years, must complete a course set out under (1)(A) of this subsection; and

(4) must adhere to the applicable provisions of 12 AAC 52.320 and 12 AAC 52.325, including continuing education requirements under 12 AAC 52.320(e).

(b) A pharmacy that administers a human vaccine or related emergency medication under this section

(1) must stock the following emergency medications in an emergency medication kit that is separate from the regular dispensing inventory and that is carried by the pharmacist if providing off-site immunizations:

(A) oral and injectable diphenhydramine; and

(B) adult and pediatric auto-inject epinephrine devices or injectable epinephrine;

(2) must maintain a policies and procedures manual detailing the immunization practices that must be followed; the policies and procedures manual must

(A) designate either the pharmacist-in-charge or an assigned vaccine coordinator who will be responsible for maintaining the policies and procedures manual;

(B) document that the policies and procedures manual has been reviewed and updated annually;

(C) address how vaccine-related adverse reactions are to be reported to the CDC's and FDA's Vaccine Adverse Event Reporting System (VAERS);

(D) address proper vaccine storage, handling, and maintenance, including maintaining manufacturer-recommended temperatures during transportation of vaccines;

(E) address proper disposal of used or contaminated supplies;

(F) contain a written emergency protocol for handling accidental needlesticks and adverse reactions, including the administration of related emergency medications; and

(G) detail how records must be kept;

(3) must have access to the CDC's *Epidemiology and Prevention of Vaccine-Preventable Diseases*, 14th edition, 2021, adopted by reference, for reference to routinely used vaccines and the diseases they prevent; and

(4) must display the licensee's certification of completing an immunization course described in (a)(1) of this section.

(c) A pharmacist or pharmacy technician who holds a national certification or a pharmacist intern acting under the supervision of a pharmacist administering a human vaccine must

(1) offer the patient or the patient's agent the current vaccine information statement (VIS) issued by the CDC for each vaccine administered; and

(2) comply with 7 AAC 27.650.

(d) Failure to comply with this section constitutes unprofessional conduct and is a basis for the imposition of disciplinary sanctions under AS 08.01.075.

(e) In this section,

(1) "CDC" means the United States Department of Health and Human Services, Centers for Disease Control and Prevention;

(2) "FDA" means the United States Food and Drug Administration. (Eff. 7/9/2017, Register 223; am 4/3/2020, Register 234; am 5 / 19 / 2023, Register 246)

Authority: AS 08.01.075 AS 08.80.116 AS 08.80.261
AS 08.80.030 AS 08.80.168 AS 08.80.480

Editor's note: The *Epidemiology and Prevention of Vaccine-Preventable Diseases*, 14th edition, 2021, adopted by reference in 12 AAC 52.992, may be obtained from the Centers for Disease Control and Prevention Internet website at <https://www.cdc.gov/vaccines/pubs/pinkbook/chapters.html> or at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Pharmacy, State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801; phone (907) 465-2550.