

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

BOARD OF PHARMACY

CONDENSED MINUTES OF THE MEETING HELD APRIL 11, 2024

Date: April 11, 2024

Time: 09:00am – 05:00pm

Location: Atwood Building, Room 1550, Anchorage, AK and Online via Zoom™

Attending: Board Members: Ashley Schaber, Sara Rasmussen, Carla Hebert, Ramsey Bell, James Henderson, and Sylvain Nouvion.
Staff: Michael Bowles, Billy Homestead, Holly Handley, Melissa Dumas, Lisa Sherrell, and Glenn Saviers.

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 - Present
Ramsey Bell – Present
Sylvain Nouvion – Present

On the record at 09:03am.

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 Indexes

Motion: Carla Hebert moved to approve the consent agenda items which included the February 15, 2024, meeting agenda as written, lost or stolen controlled substances/DEA 106s, and two well-being indexes. Seconded by Ramsey Bell.

Recorded Votes:

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

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

Agenda Item #4 Investigations Review

Discussion:

- Holly Handley, Investigator and Billy Homestead, Senior Investigator
 - Investigative Report from February 07, 2024, through April 08, 2024
 - Open Cases: 51
 - Closed Cases: 33
 - License Actions: 12
 - Conducted reviews of open cases
 - Investigator Handley presented public investigative process training.

Motion: On a motion made by James Henderson in accordance with AS 44.62.310(c) and seconded by Ashley Schaber, the board moved to enter executive session for the purpose of discussing matters which by law are required to be confidential. No request was made for public discussion. James Henderson, Ashley Schaber, Ramsey Bell, Sylvain Nouvion, Carla Hebert, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room.

Recorded Votes:

Unanimous Consent

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

Off record for executive session at 9:22am

On record from executive session at 9:59am

No motions were made during the executive session.

Motion: On a motion made by James Henderson in accordance with AS 44.62.310(c)(2) and seconded by Carl 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. James Henderson, Ashley Schaber, Sylvain Nouvion, Carla Hebert, Michael Bowles, Billy Homestead, and Holly Handley were authorized to remain in the room. Cases discussed will be 2023-000283 and 2023-000684.

Recorded Votes:

Unanimous Consent

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

Off record for executive session at 10.22am

On record from executive session at 10:30am

No motions were made during the executive session.

Motion: Carla Hebert motioned to approve the imposition of civil fine order for case 2022-000634 as written.
Seconded by Ashley Schaber.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen -

James Henderson - Abstain

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Novion – Yes

It was resolved to approve the imposition of civil fine order for case 2022-000634 as written.

Motion: Carla Hebert motioned to approve the imposition of civil fine order for case 2023-000283 as written.
Seconded by Ashley Schaber.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen -

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Abstain

Sylvain Novion – Yes

It was resolved to approve the imposition of civil fine order for case 2023-000283 as written.

Motion: Carla Hebert motioned to approve the imposition of civil fine order for case 2023-000684 as written.
Seconded by Ashley Schaber.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen -

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Abstain

Sylvain Novion – Yes

It was resolved to approve the imposition of civil fine order for case 2023-000684 as written.

Motion: Carla Hebert motioned to approve the imposition of civil fine order for case 2023-000910 as written. Seconded by James Henderson.

Recorded Votes:

Ashley Schaber - Abstain

Sara Rasmussen -

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Novion – Yes

It was resolved to approve the imposition of civil fine order for case 2023-000910 as written.

Sara Rasmussen joined at 10:35am.

Sara Rasmussen left the meeting at 12:07pm.

Agenda Item #5 Public Comment Period

Discussion: No public comments received.

Agenda Item #6 Statutes and Regulations

Discussion:

- Review Public Comments for Regulations Project 2023200594
 - The board reviewed the public comments.
 - Carla Hebert stated the Walgreens comment submitted by Lorri Walmsley addresses hours of closures.
 - Ashley Schaber stated the intent of the change is not to mandate notifications for amounts of time closed.
 - Ashley Schaber asked if anything needs to change in the regulation language to address the public comment from Lorri Walmsley.
 - Ramsey Bell discussed the intent of the regulation is to prevent moving things around between pharmacies.
 - Ashley Schaber stated the intent was to ensure continuity of patient care.
 - James Henderson stated mandating reporting for a certain number of days or hours of being closed is not the solution.
 - Ramsey Bell stated there should be a responsibility of the pharmacy to post a note to address shortages and where patients can go to get their prescriptions filled during a closure.
 - Standard of care was discussed concerning how long a patient would need to wait for their prescription.
 - The board discussed the transferring of controlled substances, specifically CIIIs.
 - If the pharmacy is closed and there is an electronic CII prescription, the patient would need to request another prescription from their provider.
 - James Henderson stated the original prescription would also need to be voided first.
 - Sara Rasmussen stated concerns of patient care being delayed if there is a defined timeline. After last meeting with the palliative care providers there is concern that this could compound patients not having access to medications.

- James Henderson stated the board does not want to define everything in regulation but rather rely on standard of care guidelines.
- Carla Hebert stated that the board is asking that every effort is made to ensure continuity of care.
- Ashley Schaber stated the board needs to be careful not to define everything in regulation. Standard of care should ensure continuity of care.
- Sara Rasmussen stated she is comfortable with the language as written.
- The board discussed removing the MPJE and needing to have an Alaska law exam due to statute on licensure through reciprocity.
- Update the Statute and Regulation Committee Members
 - Ashley Schaber stated she would like to revisit the statute and regulation committee members.
 - Sara Rasmussen asked to be considered to be on the statute and regulation committee.
 - Ashley Schaber stated she would like to stay on the statute and regulation committee.
 - Sylvain Nuvion stated he would like to be on the statute and regulation committee.
 - James Henderson stated he would like to be on the statute and regulation committee.
 - Task created for Michael Bowles to update the committee roster.
- Set a Statute and Regulation Committee Meeting Date
 - June 07, 2024, via Zoom 2:00pm to 4:00pm
 - Committee will discuss the need for regulations changes and prepare regulations changes for a future meeting.
- Select an Alternative Legislative Point Person
 - Ashley Schaber stated she would like someone else on the board to be available when she is unavailable.
 - Sara Rasmussen stated she is interested in this position.
 - James Henderson stated Sara Rasmussen is the best choice.
- National Background Checks
 - Ashley Schaber stated the board needs to address national background checks through regulations.
 - James Henderson asked if the statute requires background checks.
 - Michael Bowles explained the statute allows for background checks but does not require background checks at this time.
 - Ramsey Bell asked if the board really wanted to pursue background checks.
 - Ashley Schaber stated HB 112 intent was for the board to require background checks.
 - Task created for Michael Bowles to find out how the board of nursing requests background checks and the process involved.
- Bills to Review
 - HB 187 / SB 219 Prior Auth Exempt for Health Providers
 - James Henderson stated he has concerns on how these statutes would work, specifically the 80% approval language.
 - Carla Hebert agreed with James Henderson.
 - Sara Rasmussen stated this language might have come from another state and not an original idea from an Alaska legislator.
 - Ashley Schaber stated prior authorizations create administrative burden which can cause delays in treatment and patients receiving medications.
 - Carla Hebert stated if it did eliminate delays, it would be beneficial.

- James Henderson stated it is hard to jump on board if we cannot see how it is going to work. It would be great to get rid of prior authorizations, but it doesn't simply state that.
- Sylvain Nouvion stated he did not think anyone would be against decreasing authorization.
- Ashley Schaber asked the board if this is something the board should weigh in on.
- Sara Rasmussen stated it's worth exploring and the board can do an OnBoard vote on support.
- Ashley Schaber stated she will find out more information on these bills to present to the board.
- HB 228 / SB 166 Mental Health/Psychedelic Med. Task Force
 - Ashley Schaber discussed what the bills would do as far as forming a task force. There is no representative from the board of pharmacy.
 - James Henderson stated he thought it was odd there was not a representative from the board of pharmacy. There are people that can be appointed so there is an open door to get in there.
 - Ashley Schaber stated she wants to make sure pharmacy is represented.
 - Sara Rasmussen agreed with Ashley Schaber.
 - James Henderson suggested reaching out to the bill sponsor and suggesting an amendment to add a representative from the board of pharmacy.
- HB 314 / SB 225 Occupational Licensing Fees
 - Glenn Saviers, Deputy Director for the Division of Corporations, Business, and Professional Licensing spoke on the bills and explained what the bills would do with fees.

Motion: In consideration of public comments and cost to private persons Ashley Schaber moved to adopt the regulations for file # 2023200594 as presented and publicly noticed. 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 adopt the regulations for file # 2023200594 as presented and publicly noticed.

Motion: Ashley Schaber moved to pursue creating an amendment to HB 228 and SB 166 to add a pharmacist appointed by the board of pharmacy to the task force. Seconded by Sara Rasmussen.

Recorded Votes:

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

Sylvain Novvion – Yes

It was resolved to pursue creating an amendment to HB 228 and SB 166 to add a pharmacist appointed by the board of pharmacy to the task force.

Motion: Carla Hebert moved to approve the letter of support for HB 314 and SB 225. Seconded by James Henderson.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen –

James Henderson - Yes

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Novvion – Yes

It was resolved to approve the letter of support for HB 314 and SB 225.

Agenda Item #7 Industry Updates

Discussion:

- Alaska Pharmacy Association (AKPhA) – Brandy Seignemartin, PharmD, AKPhA Executive Director provided an update on the following items:
 - HB 226 and SB 121 are moving forward.
 - Access issues for buprenorphine containing products to treat Opioid Use Disorder (OUD).
 - Heightened scrutiny from wholesalers and DEA is hindering patient care.
 - No transparency in ratios or limitations on a pharmacy's ability to order buprenorphine containing products.
 - Pharmacies around Alaska unable to take on new OUD patients - compounded access issue due to PBMs.
 - DEA Letter to wholesalers Guidance Document.
 - There may be limitations set forth in state level opioid settlement to investigate.
- Alaska Department of Health – John Boston, DO, and Charles Semling, PharmD, provided an update on the following items:
 - Division of epidemiology is aware of xylazine concerns and is working on a memorandum for the public.
 - Geneva Woods closure updates. There may be a buyer to take over operations around October timeframe.
 - Working on change to the 75% rule as it pertains to medisets.
 - Cost dispensing survey updates. Hopeful to have new rates by July.
 - There will be updates to the state plan amendment related to pharmacy.

Agenda Item #8 Adjourn for Lunch (off record at 12:24pm)

Ashley Schaber made a motion to adjourn for lunch and asked for unanimous consent.

Roll Call:

Unanimous consent.

It was resolved to adjourn for lunch.

Agenda Item #9 Roll Call/Call to Order (on record at 1:02pm)

Roll Call:

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

Agenda Item #10 Division Updates

Discussion:

- Michael Bowles, Executive Administrator of the Board of Pharmacy
 - Update of renewal period, anticipated date renewals will go live is April 22, 2024.
 - Addressed regulation project procedures and requested the board consider one or two projects a year rather than a new project after each meeting.
- Melissa Dumas, Administrative Operations Manager for the Division of Corporations, Business, and Professional Licensing
 - Budget report for 2nd quarter fiscal year 2024 was presented to the board for their awareness.
- Lisa Sherrell, Prescription Drug Monitoring Program (PDMP) Manager
 - PDMP updates provided to the board.
 - Gateway onboarding is in progress.
 - The program has made progress in identifying delinquent reporters and making contact to resolve the issues.

Agenda Item #11 Public Comment Period

Discussion:

- Daniel Nelson, Director of Pharmacy at Chief Andrew Isaac Health Center discussed problems that he has been experiencing with biosimilars.
 - Pharmacy Benefits Manager (PBM) revoked prior authorization, did not inform patient.
 - Expressed concerns that PBMs may be changing prescriptions without speaking with the pharmacist or doctor involved in patient care which is not in alignment with Alaska state law.
 - PBMs are mandating that medication goes through the pharmacy the PBM owns.
 - CVS Caremark is the largest problem for patient medication disruptions, conflict of interest.
 - Thanked the board for supporting HB 226 and SB 121.

Agenda Item #12 Board Business

Discussion:

- Rx and Illicit Drug Summit Review
 - Sylvain Nouvion and Michael Bowles discussed various tracks of the conference and the focus on OUD.
 - Sylvain Nouvion discussed the “Methadone on Wheels” session and how that information could be useful in Alaska.
 - Sylvain Nouvion discussed the national issue on xylazine in combination with fentanyl.

- Michael Bowles discussed the telehealth and MOUD sessions presented by Dr. Sarah Spencer and recommended the board reach out and invite Dr. Spencer to provide the board with her presentation.
- Task created for Michael Bowles to reach out to Dr. Sarah Spencer and invite her to speak on telehealth and MOUD at the August board meeting.
- Review and Update Strategic Plan
 - Board reviewed current strategic plan.
 - Ashley Schaber discussed strategies involving licensing.
 - Michael Bowles discussed the application revisions and gained efficiencies in processing of applications.
 - 3.3 can be removed.
 - 4.3 add “access to pharmacies”.
 - 3.4 decrease to 14 days for licensees and 4 weeks for facilities.
- Annual Report Discussion
 - Ashley Schaber discussed the change to the form and the timeline for when the annual report needs to be reviewed and submitted by the board to the division. Ashley asked the Board for input. Discussed that Board activities of the past year and initiatives discussed during previous Board meetings would be included.
 - Ashley to draft the Annual report and Michael to send to the Board through OnBoard for a vote of approval.
- SBAR Format Discussion
 - Ashley Schaber discussed what SBAR is and how it can be used to help the board understand division processes, improve communication, and ensure recommendations are clearly articulated.
- Past Disciplinary Action Discussion
 - Ashley Schaber discussed past discipline and the need for clarity on what needs to be disclosed on applications as well as asked how far back or is there a certain amount of time that has passed where disciplinary action does not need to be disclosed to the division.
 - Michael Bowles stated he knows other jurisdictions have timeframes as far as past discipline such as 10 years however does not think Alaska has anything as far as a certain amount of time where past discipline is not required to be disclosed on an application.
 - Task for Michael Bowles to find out if there is statute requiring past license discipline for all discipline or certain timeframes.
- Review and Approve Updated Disciplinary Matrix
 - Just Culture was discussed and how it ties into continuous quality improvement as well as situations where violations occur, and patient injury is a result.
 - The board discussed where a cease a desist order would be used in unlicensed practice.
 - Michael Bowles explained that a cease-and-desist order is the only course of action in an unlicensed practice case due to there being no license involved to discipline.
- Law Questions for Alaska Law Examination
 - Sylvain Nouvion asked how many questions the examination should be.
 - Ashley Schaber suggested 10-15 questions.
 - Sylvain Nouvion volunteered to take the task of creating the questions for the Alaska Law Exam.
 - The board will vote in OnBoard on the finalization of the Alaska Law Examination.
- Review Inspection Sheets for Needed Updates

- The board discussed the areas in regulation that should be addressed on the inspection sheets.
- Carla Hebert discussed the areas addressed on Florida board of pharmacy inspection sheets from her previous experience.
- James Henderson suggested the pharmacy inspection form should be changed to have the same areas addressed as the self-inspection form.
- Michael Bowles stated he could work on bringing self-inspection sheet items onto the pharmacy inspection sheet and present it to the board at the next meeting.
- Task created for Michael to review the self-inspection form for updated regulations and bring the pharmacy inspection form into alignment with the self-inspection form.
- Task created for Michael Bowles to update all inspection forms for pharmacies and facilities.
- Controlled Substance Advisory Committee (CSAC) Discussion
 - Ashley Schaber discussed where the CSAC is housed and asked the board if there were any items that need to be addressed.
 - Carla Hebert created a FAQ worksheet that she presented to pharmacists and pharmacy technicians in various organizations. Carla Hebert discussed the answers received with the board.
 - Ashley Schaber discussed the proposed upcoming meeting with the board chairs from the medical board and board of nursing.
 - Sylvain Nouvion stated it would be good to get their perspective as well as their boards to understand the board of pharmacy's perspective.
 - Ashley Schaber stated a resolution would help state leaders understand the boards' concerns.
- Way Forward on Just Culture
 - Added to the agenda for the next meeting in August.
- Tasks list review and update conducted

Motion: Carla Hebert moved to accept the updated disciplinary matrix as written. Seconded by Sylvain Nouvion.

Recorded Votes:

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

It was resolved to accept the updated disciplinary matrix as written.

Agenda Item #13 Chair Final Comments

Discussion:

- Ashley Schaber thanked each member of the board for their work.
- James Henderson thanked Ashley Schaber for her work.
- Ashley Schaber discussed the meeting evaluation form located in the Guide to Excellence in Regulations for Professional Licensing Boards & Commissions.
- Sylvain Nouvion stated getting all material into the board packet two weeks out would be beneficial.

- Next scheduled meeting dates are June 07, 2024 (statute and regulation meeting), August 22, 2024, and November 14, 2024.
- Task for Michael Bowles to public notice the June 07 special meeting.

Agenda Item #14 Adjourn

Ashley Schaber adjourned the meeting.

Recorded Votes:

Unanimous consent.

It was resolved to adjourn at 3:56pm.