

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

ALASKA STATE BOARD OF PHARMACY

MINUTES OF MEETING

May 9-May 10, 2013

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy was held on May 9-May 10, 2013, at Atwood Building, 550 West 7th Avenue, Room 1270 Anchorage, AK.

Call to Order/Roll Call

The meeting was called to order by Dick Holm, Chair, May 9, 2013, at 9:03 a.m. Those present constituting a quorum of the board, were:

Lori DeVito, R. Ph.
Richard Holm, R. Ph.
C. J. Kim, R. Ph.
John Cotter, R. Ph.
Dirk White, R. Ph.
Anne Gruening
Taryl Giessel

Present from the Division of Corporations, Business and Professional Licensing were:

Sher Zinn, Licensing Supervisor
Donna Burns, Licensing Examiner
Al Kennedy, Investigator

Agenda Item 1

Review Agenda

The board reviewed the agenda and no changes were made. Mr. Holm noted Nancy Davis would not be present for AK PHA Report, this Agenda Item 14 will be done at proper time on May 10, 2013. Dirk just back from a meeting in D.C. advised Senator Murkowski's office would like a resolution or statement from the board regarding new FDA compounding bill that is coming up for mark up in the next week. What the board likes about the bill or what they do not like about the bill.

On a motion duly made by Dirk White, seconded by CJ Kim, and approved unanimously, it was

RESOLVED to approve the agenda as amended to include the FDA Compounding Bill discussion.

Agenda Item 2 Review Minutes

The board reviewed the minutes from the February 28-March 1, 2013 meeting. There were a couple of typing errors and an agenda item out of order noted.

On a motion duly made by Ms. DeVito, seconded by Ms. Grueing, and approved unanimously, it was

RESOLVED to approve the minutes as corrected of the February 28-March 1, 2013 meeting.

The board chair signed the minutes.

Agenda Item 3 Ethics Disclosure

Taryl Giessel advised that she made public comment on a Naturopath bill before being seated on the Pharmacy board, and wanted to know if that could cause any conflict. Mr. Holm advised that it is not an issue.

Not on the agenda, but the board decided to discuss:

Alaska Pharmacy Goals and Objectives

Ms. DeVito brought up that #7 be looked at and discussed. Mr. Cotter advised that the second part of #7 is a statement not a goal or objective.

On a motion duly made by Ms. DeVito and seconded by Ms. Gruening, and approved unanimously, it was

RESOLVED that the second sentence of #7 Goals and Objectives be stricken.

Mr. Cotter also brought up for discussion that there is no comment regarding safety in the Goals and Objectives. The board then referred to the Statement Of Purpose in section 08.80.005 in the Statutes and Regulations for Pharmacy. further discussion ensued.

On a motion duly made by Mr. Cotter and seconded by Ms. DeVito, and approved unanimously, it was

RESOLVED to add the Statement of Purpose from section 08.80.005 be added to the Alaska Pharmacy Goals and Objectives.

The board then reviewed Current #10 on the Goals and Objectives and after group discussion about it, the board decided to delete the "current" #10 and go with the proposed #10 and #11.

On a motion duly made by Mr. Cotter and seconded by Ms. DeVito, and approved unanimously, it was

RESOLVED to delete the "current" #10 and accept the proposed #10 and #11 in the Alaska Pharmacy Goals and Objectives.

Mr. Cotter recommended for #12 be inclusive of the Statement of Purpose discussed earlier.

The Chairman, Mr. Holm then instructed Ms. Burns, Licensing Examiner to move #12 to become #1 for the Alaska Board Of Pharmacy Goals and Objectives.

Agenda Item 4 Division Update/Expense Report

The board reviewed the expense report. Per a question from Ms. DeVito, Ms. Zinn explained the difference between Personal Services and Contractual on the spread sheet. Ms. Giessel had Ms. Zinn explain what is included in Indirect Expenditures. Mr. Holm expressed issues with the legislature at board meetings. Discussion ensued regarding the bill for the general fund. The board made no comment on the information.

Agenda Item 5 PDMP Update

Funding for this program is expected to end in August. Brian Howes is at a conference for PDMP. Mr. Warren emailed Mr. Howes to see if he had anything for the board. Mr. Howes may send an email of what he knows. Mr. Cotter discussed a packet he received from the Arizona Board of Pharmacy regarding PDMP with guidelines, and the packet also provides direction for how and when to access PDMP. Mr. Cotter will forward packet to Juneau for the board review for the meeting in August.

Break- off the record at 10:17
On the record at 10:26

Agenda Item 6 Legislative Report

House Bill #7 Practice of Naturopathy is in committee, no action and in limbo at this point. The Board of Pharmacy would like to see a board of Naturopathy be established.

Pharmacy Audit Bill- Has gone through a couple of committees and is in "limbo". The board would like to see this bill passed for public safety. The board would like to work with the legislature to get this bill passed. Ms. Giessel asked if the pharmacy is responsible for cost of audit? Her concern is the financial burden on the pharmacy. Mr. White confirmed that it is a huge cost to a pharmacy.

House Bill #125: The prescription of topical eye medicine.
This bill has passed and transmitted to the governor.

House Bill #84: Military training for temporary license.
This bill has passed and transmitted to the governor. This bill has little to do with pharmacy, Mr. Cotter advised that the military does not train pharmacists, so not applicable for the pharmacy board or the licensing of pharmacists. This will be the boards comment back to Director Habeger.

New Business (Still under Legislative Report)

Hydrocodone reclassification on the federal level-

Mr. Holm advised he was contacted by the Optometry Board Chair, expressing his concern that villages would not be able to dispense or write prescriptions for class II and wanted to "unofficially" ask the board to not support the bill and to discuss at this meeting.

The board discussed and the general consensus is that board does not see any benefit to Alaskans, and is non supportive of the moving Hydrocodone to CII.

On a motion made by Mr. Holm and seconded by Mr. Cotter and approved unanimously, it was

RESOLVED to that the Board Of Pharmacy at this time sees no benefit for the movement of Hydrocodone from CIII to CII.

Agenda Item 7 Regulation Projects

Jun Maiquis is still working on the drafts for Facility Inspections and PDMP exemption to present, and per Ms. Zinn they may be available to present before close of the meeting on Friday.

12 AAC 52.310 – REINSTATEMENT OF AN EXPIRED PHARMACIST OR PHARMACY TECHNICIAN LICENSE.

Ms. Zinn brought up for discussion upon reviewing the above regulation and how it is currently written, it is easier for a pharmacist who has a license that has lapsed more than 5 years than for someone lapsed 2-5 years, and was this the board's original intent?

The board after much spirited discussion decided to make the following changes to: **12 AAC 52.310 – REINSTATEMENT OF AN EXPIRED PHARMACIST OR PHARMACY TECHNICIAN LICENSE.**

- 1) Completely delete section (d).
- 2) Section (e) will now become section (d)
- 3) Section (c) change the lead in to: The board will reinstate a pharmacist license that has been expired at least two year or more.
- 4) Section (c), (6) remove: **or** a copy of the applicant's Official Application for Transfer of Pharmaceutics Licensure, sent directly to the department from the NABP not later than 90 days of the date of issue.

Lunch – Off the record at 12:10 p.m.
On the record at 1:15, Ms. DeVito not present

**Agenda Item 8 UAA/ISU Joint Pharmacy Program- Cathy Cashmore, Associate Dean
Presenter**

Ms. Cashmore made a power point presentation on the preliminary proposal for a joint UAA/ISU Pharmacy Program.

Mr. Holm left meeting at 1:22 p.m. and returned at 1:24 p.m.
Ms. DeVito returned to the room at 1:25 p.m.

Agenda Item 9 **Investigator Report**

Al Kennedy, Investigator joined the meeting.

Mr. Kennedy presented and reviewed the Investigative Report for the May 9-10, 2013 meeting.

Mr. Kennedy requested that the board go into Executive Session after his review of the report.

On a motion duly made by Dirk White, seconded by Ms. Giessel and approved unanimously, it was

RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for the purpose of discussing investigative matters.

Board staff to stay during executive session.

Off the record at 2:05 p.m.

On the record at 2:20 p.m.

At the instruction of Board Chairman Dick Holm, Mr. Kennedy is checking into "Grandfather" rights, as to whether or not native facilities have to be licensed within the state to handle controlled substances. Mr. Kennedy has spoken with Estoban Sanchez a DEA Agent in Seattle, WA, as to the DEA's position on this. Mr. Sanchez advised outlying satellite facilities have to have a state license. Borough's have control over the satellites under their purview. The board is in support of as state law cannot have more restrictive laws than federal law. Mr. Holm stated it is policy of the board to address this and presented a statement to the board for review, discussion and to vote on.

Agenda Item 10 **NEW BUSINESS**

Facility Licensing –

For the DEA to push back the issue to the State is not only contrary to law, but to public safety. Mr. Holm feels it would be best to come out on the record with a reiteration of what the board has always operated under.

Statement from the Board of Pharmacy:

It shall remain the policy of the Alaska Board of Pharmacy that no exceptions to regulation will be made for any special interest groups, especially those pertaining to controlled substances and federal regulations. It has always been the policy of the board to mirror our regulations with those of the DEA, and our understanding has been that state regulations can only be constructed so that they are more restrictive than federal rules, not less. It is the opinion of this board, that to rule an exception for any group, that would result in a less restrictive rule than the existing federal rules or policies, would not only be contrary to law, but contrary to the best interests of the public's health and safety.

On a motion duly made by Mr. White, seconded by Ms. DeVito, and approved unanimously, it was

RESOLVED to accept or reiterate the policy statement from the board authored by Board Chair, Mr. Holm.

Hydrocodone Reclassification –

The board addressed this item out of order under Legislative Report.

Temporary permits/military training-

The board addressed this item out of order under Legislative Report

FDA Sharing Information –

The board decided to table this issue until the new FDA rules or statutes are in place.

Ms. DeVito left the meeting at 2:49 p.m. returned at 2:51 p.m.

The board is looking to create more oversight at compounding pharmacies by inspecting them. Mr. White advised the board that he had discussion with Amanda Mackey from Senator Murkowski's office and she would like for the board to notify them of their comments about this bill.

The board may need to teleconference to discuss after the board review of the final bill. Ms. Giessel to forward the link to the bill to Ms. Zinn to distribute to all members.

Break – Off the record at 2:58 p.m.
Back on the record at 3:17 p.m.

Agenda Item 11 OLD BUSINESS –

Labor Laws –

Per the Department of Labor, Pharmacists are considered professionals, and can work however many hours their employer requires.

High Risk Pharmacies-

After review of the examples of pharmacy inspection forms, Ms. DeVito and Mr. Cotter will meet to develop an inspection report for the inspection of new pharmacies.

The board recessed until 9:00 a.m. on May 10, 2013.

Off the record at 3:56 p.m.

Friday May 10, 2013

Call to Order/Roll Call

The meeting was called to order by Dick Holm, Chair, May 10, 2013 at 9:07 a.m.
Those present constituting a quorum of the board were:

John Cotter, R. Ph.
Lori DeVito, R. Ph.
CJ Kim, R. Ph.
Dick Holm, R. Ph.
Dirk White, R. Ph.
Anne Gruening
Taryl Giessel

Present from the Division of Corporations, Business and Professional Licensing
were:

Sher Zinn, Licensing Supervisor
Donna Burns, Licensing Examiner

Visitors present: Ryan Ruggles, Safeway Regional Pharmacy Manager

Agenda Item 12 Review Agenda

The board reviewed the agenda and Mr. Kim made a motion to approve the
Agenda, the motion was seconded by Ms. Gruening and motion carried.

Agenda Item 13 Correspondence

NABP Correspondence was discussed regarding inspection, training and
ongoing costs for Sterile Compounding Resources - data collection
tool. Mr. Cotter, asked who will pay for the inspection costs? Do we spread it
around to all pharmacies or charge each pharmacy for the inspection?

Mr. Holm, brought up in trying to control those out of state – our inspection would
not do anything about drugs coming into the state. More discussion ensued, and
Mr. Cotter made a recommendation to the board that for now the goal for 2013
should be for the board's attention to focus on cleaning up the inspection process
first, how are we going to do the inspections?

There will be clarifications coming out from the FDA on the rules of compounding, let those come out first and find out what it is, and find out where the line is, where the responsibility is, what has changed? The board then in 2014, once the FDA recommendations are known, can define further and go back to the regulations and clean up if necessary.

The board reviewed the remaining correspondence, with no response.

Mr. Holm left the meeting at 9:52,
Returned to meeting at 10:03

Agenda Item 14 **AKPHA Report**

The board reviewed the AKPHA letter to Chad Hope.
No action taken.

Agenda Item 15 **Public Comment**

Ryan Ruggles, new Regional Pharmacy Manager for Safeway in Northern District. Ryan introduced himself to the Board of Pharmacy.

Agenda Item 5 **PDMP REPORT (Continued from 5/9/2013)**

Brian Howes returned from his meeting in Atlanta.
Mr. Howes passed out for review the Alaska PDMP Report.
Upon review, Mr. Cotter requested a query on how many prescriptions are coming in from out of state.
Funding is still in question and in trouble, but the problem is being able to accept money.
Mr. Holm asked if Alaska's monthly operational expense are in line with other states, and per Mr. Howes, yes comparatively speaking, and Alaska is in line with North Dakota's costs, maybe slightly less.

Mr. Holm invited Mr. Howes to stay and review draft regulations received from Regulation Specialist.

Agenda Item 7 **Regulations (Continued from 5/9/2013)**

Jun Maiquis was able to provide Draft Regulations for the boards review. Regarding, 12 AAC 52.450. Inspections of Pharmacies. The board recommends 52.450(c) be changed to "is" to may be exempt, and 52.450(e) flip last part of sentence and put in "high risk" pharmacy first, then the licensing out of state. The sentence would read as follows:

(e) A pharmacy shall advise the board in writing within sixty days of it beginning operations as a high risk pharmacy or first receiving a pharmacy facility license issued by another state.

On a motion duly made by Mr. White, seconded by Ms. DeVito, and approved unanimously, it was

RESOLVED to add changes to the regulations as outlined above, include the regulation project started on the previous day May 9, 2013, and approved to send out for public comment. Pharmacists and pharmacies in and out of state to also receive public notice of changes to regulations.

Off the record at 11:15 a.m.
Back on the record at 11:22 a.m.

Agenda Item 16 OFFICE BUSINESS

TA's were distributed for signature.

Agenda Item 17 License Application Review

Ms. Zinn had the board re-look at the Pharmacy Tech application for Mr. Anthony Brown that was sent out for mail ballot, but was tabled by two board members. Applicant answered yes to being convicted of a felony or other crime. The board recommended due to his application being incomplete to re-apply with a new application, his explanation, documentation he completed his alcohol program, and confirmation fines are paid.

The board reviewed the Intern application of Kelsey Frichtl, her application had a "yes" answer on application.

On a motion duly made by Ms. DeVito, seconded by Mr. White and approved unanimously, it was

RESOLVED to approve the pharmacy intern application for Kelsey Frichtl.

On a motion duly made by Mr. White and seconded by Ms. Devito and approved unanimously, it was

RESOLVED to approve the pharmacists applications as read into the record.

Pharmacists approved:

Andrea Forde- pending transcripts and passing MPJE exam score
Roger Garrett- pending passing MPJE exam
Michelle Locke- pending transcripts, proof of 1500 intern hours, passing NAPLEX and MPJE scores, and verification of licensure from South Dakota
Rebecca Melesciuc- Approved
Mark Nalty- pending two affidavits of moral character, proof of 500 hours of non-ed intern hours, passing MPJE score and verification of licensure from Texas
Evelyn Turner- pending transcripts and passing MPJE/NAPLEX scores
Lynette Wasson- pending passing MPJE score
Marcie Woodbury- Approved
Amanda Wutscheke- pending transcripts, proof of 356 hours of internship, passing MPJE/NAPLEX scores, and verification of licensure from Minnesota

On a motion duly made by Mr. White and seconded by Mr. Kim and approved unanimously, it was

RESOLVED to approve reinstatement of Pharmacist licensure for Robert McCants, License #874

On a motion duly made by Mr. White and seconded by Ms. Giessel and approved unanimously, it was

RESOLVED to approve Drug Room application for Alaska Cardiology Surgery Center.

On a motion duly made by Mr. White and seconded by Ms. Giessel and approved unanimously, it was

RESOLVED to approve Collaborative Practice Plans- pending completion of line item #6 the list of eligible patients. As read into the record.

Collaborative Practice Plans Approved-

Lisa Belcher #1710, Kimberly Anderson, ANP #910, Safeway Pharm #3410
Emily Purrenhage #1965, Kimberly Anderson, ANP #910, Carrs Pharm #1805
Jenice Jacobs #2065, Kimberly Anderson, ANP #910, Carrs Pharm #1806
Adam Field #2013, Karen Jones, ANP #793, Walgreens #13656

On a motion duly made by Mr. White and seconded by Ms. Giessel and approved unanimously, it was

RESOLVED to approve Collaborative Practice Plan Renewals- Pending completion of Line item #6 list of eligible patients. As read into the record.

Collaborative Practice Plan Renewals –

Aislinn McBeth #1938, Kimberly Anderson, ANP #910, Carrs Pharm #1739
Lisa Symmes #1183, Kimberly Anderson, ANP #910, Carrs Pharm #1807
Edward Smith #1780, Kimberly Anderson, ANP #910, Carrs Pharm #0520
Karen Hoplin #1545, Kimberly Anderson, ANP #910, Carrs Pharm #1809
David Ferguson #1484, Kimberly Anderson, ANP #910, Carrs Pharm #1820
Brian Swan #1337, Kimberly Anderson, ANP #910, Carrs Pharm #2628
Leonard Bolog #1705, Kimberly Anderson, ANP #910, Carrs Pharm #1811
Joseph Mauer #1027, Kimberly Anderson, ANP #910, Safeway Pharm #1090
Rose Henry #1382, Kimberly Anderson, ANP #910, Safeway Pharm #0548
Deborah Peay #1093, Kimberly Anderson, ANP #910, Safeway Pharm #2728
Charles Semling #1588, Kimberly Anderson, ANP #910, Safeway Pharm #1817
Benjamin Phipps #1864, Kimberly Anderson, ANP #910, Carrs Pharm #1812
Susan Easley #1565, Kimberly Anderson, ANP #910, Safeway Pharm #1808
Anita Treas #1789, Kimberly Anderson, ANP #910, Carrs Pharm #1818
Laureen Heath #361 Kimberly Anderson, ANP #910, Carrs Pharm #1829
Austin Anderson #1628, Paula Korn, ANP #9, Costco Pharm #63

On a motion duly made by Mr. White and seconded by Mr. Kim and approved unanimously, it was

RESOLVED to approve the application for out of state pharmacy Cardinal Health in Denver, CO.

The board reviewed the request from pharmacist applicant Evelyn Turner for an exemption to sit for her exams early without "official" transcripts. Ms. Turner cited 12 AAC 52.092(a) for the request.

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On a motion duly made by Mr. White, seconded by Mr. Cotter and approved unanimously, it was

RESOLVED to approve that applicant Evelyn Turner be allowed to sit for exams early without official transcripts.

Agenda Item 18 Annual Report/Budget

Mr. Holm and Mr. White will collaborate on the narrative statement and Legislative requests.

Budget Recommendations - The board will make the request for two people to attend the MPJE Exam review. The board will also request that two people attend the MPJE Question Writing workshop in the spring. Also included will be monies for travel and training for anticipated pharmacy inspections for the investigator and Board members.

Agenda Item 16 Office Business Continued

The board signed the wall certificates.

It was moved to adjourn the meeting.

Off the record at 12:25 p.m.

Respectfully Submitted:



Donna Burns, Licensing Examiner

Approved:



Dick Holm, R. Ph., Chair

Date: 5-10-13