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**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND  
ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS,  
BUSINESS & PROFESSIONAL LICENSING  
BOARD OF PHARMACY**

**MINUTES OF MEETING  
November 20<sup>th</sup> & 21<sup>st</sup>, 2014**

By authority of AS 08.01.070(2) and in compliance with the provisions of Article 6 of AS 44.62, a scheduled meeting of the Board of Pharmacy was held November 20<sup>th</sup> and 21<sup>st</sup>, 2014, at 550 W. 7<sup>th</sup> Ave., 16<sup>th</sup> Floor , Anchorage, Alaska,

The meeting was called to order by Dirk White, President, at 9:01 a.m.

**Call to Order/Roll Call**

Those present, constituting a quorum of the board, were:

Dirk White – R. Ph. – Sitka  
Lori DeVito – R.Ph. – Soldotna  
John Cotter – R. Ph. – Fairbanks  
C.J. Kim R. Ph. – Anchorage  
William (Bill) Altland R. Ph. - Craig  
Anne Gruening – Public Member – Juneau  
Taryl Giessel – Public Member – Eagle River

In attendance from the Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development were:

Donna Bellino, Licensing Examiner – Juneau  
Al Kennedy, Investigator- Anchorage  
Angela Birt, Chief Investigator

**Visitors Present:**

Molly Gray, Executive Director, AKPhA  
Daiana Huyen - Walgreens  
Justin Coyle - Walgreens  
Yunga Vercelline- Genoa HealthCare  
Debora Stovern – Executive Administrator - State Medical Board  
Barry Christiansen – President AKPhA Telephonically for Legislative Review

46 Caren Robinson – Lobbyist for AKPhA Telephonically for  
47 Legislative Review  
48

49 **Agenda Item 1- Review Agenda**

50 The Board reviewed the agenda and Ms. Bellino advised that in addition to  
51 information provided to the board from Molly Gray, Executive Director of the Alaska  
52 Pharmacist Association, Ms. Gray was present and would like a few minutes to  
53 address the board. Dirk White, board Chair advised that Caren Robinson lobbyist  
54 for the AKPhA and Barry Christiansen are available to call in and join the meeting  
55 telephonically to discuss/recap the upcoming legislative season. Mr. White also  
56 recommended that board discuss the recent passage of the citizen’s initiative on  
57 recreational marijuana use be added to the legislative review section of the agenda.  
58

59 The board agreed to the additions/changes as discussed.  
60

61 **On a motion duly made by Ms. DeVito, seconded by Mr. Kim and approved**  
62 **unanimously, it was**

63  
64 **RESOLVED to approve the agenda with the above changes for Thursday**  
65 **November 20<sup>th</sup>, 2014.**  
66

67 **Agenda Item 2- Minutes**

68  
69 The Board reviewed the minutes from the August 7<sup>th</sup> & 8<sup>th</sup>, 2014 meeting.  
70

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

73  
74 **RESOLVED to approve the minutes from the August 7<sup>th</sup> & 8<sup>th</sup>, 2014**  
75 **meeting with correction noted.**  
76

77 **Agenda Item 3- Ethics**

78  
79 Chairman White called for any ethics disclosures to be made. No ethics disclosures  
80 were reported.  
81

82 **Agenda Item 4 – Investigative/AKPDMP Report**

83 Investigator Kennedy and Chief Investigator Angela Birt were present. Chief Birt,  
84 took over the position of Chief Investigator as of September 1<sup>st</sup>, 2014 introduced  
85 herself to the board, discussed her background and advised coming changes to the  
86 investigative unit.

87 Investigator Kennedy presented the Investigative Report to the board for the period  
88 of August 5, 2014 through November 19, 2014. Including cases, complaints, and  
89 intake matters, since the last report, the Division opened 24 files and closed 28  
90 Pharmacy Board matters. The probation report included in the investigative report  
91 shows 100% compliance for licensee's on probation for the same reporting period.

92

93 Investigator Kennedy then advised the board of a matter for the Board to vote on  
94 and it was decided that the board go into Executive Session.

95 Board staff to remain

96 Off the record at 9:30 a.m.

97 On the record at 9:42 a.m

98

99 **On a motion duly made by Mr. Kim, seconded by Mr. Cotter and approved, it**  
100 **was**

101 **RESOLVED to approve the imposition of a civil fine for case number:**

102

103 **Case #2014-001775 - Geneva Woods Pharmacy.**

104

105 Ms. DeVito abstained from voting on this matter.

106

107 Investigator Kennedy advised that Alaska is seeing an increase in pharmacy  
108 burglaries and is advising pharmacies stay alert and take proper security measures  
109 due to the increased level of sophistication of these break-ins.

110

111 Investigator Kennedy also stated that he is still receiving comments about opioid  
112 treatment facilities and prescriptions being written for methadone. Investigator  
113 Kennedy advises pharmacist's that if they do not feel comfortable filling a  
114 prescription then don't fill it.

115

116 Investigator Kennedy advised the board that this meeting will probably be his last  
117 meeting as the investigator for the Board of Pharmacy due to the changes Chief Birt  
118 spoke about earlier. The board was disappointed and concerned to learn the  
119 changes impacting the investigative unit would include a change in the BOP  
120 Investigator.

121

122

123

124

125

126

127

128 **Agenda Item 5 – Emergency Preparedness**

129 The discussion of emergency preparedness began at the August BOP meeting and  
130 was continued until this meeting. The goal of the board is to come up with a written  
131 directive that pharmacy professionals could follow in the event of a state  
132 emergency. C.J. Kim led the discussion on this topic and advised that he reached out  
133 to AK RESPONDER to see how many pharmacy professionals were registered to help  
134 in the event of an emergency. Mr. Kim's was surprised to learn that the total  
135 number of pharmacy professionals signed up is four pharmacists and two pharmacy  
136 technicians. Mr. Kim also provided to the board emergency regulations from  
137 Arizona, Louisiana, and New Jersey. These three states have comprehensive  
138 emergency regulations per Dennis McAllister who attended the August BOP  
139 meeting. The board reviewed the regulations from those states and found Arizona's  
140 to be the most comprehensive. The Board of Pharmacy would like to mirror the  
141 Arizona law and create an emergency regulation for Alaska to follow in the event of  
142 a state or national emergency.

143  
144 Ms. Bellino then addressed with the board the new changes in the steps to the  
145 Regulation Process on how boards submit regulation changes or new regulation  
146 projects as a result of HB140 that went into effect in October. Ms. Bellino and the  
147 board read through the 18 step process and in conjunction completed the Proposed  
148 Regulation Recommendation Form for the Emergency Regulation the board will  
149 submit to Jun Maquis, the Regulation Specialist. Board consensus there should not  
150 be any fiscal impact to implement the emergency regulation.

151  
152 Break: Off the record at 10:51 a.m.  
153 Back on the record at 11:02 a.m.

154  
155 **Agenda Item 6 – Budget Expense Review/Division Update**

156 Division Director Sara Chambers, Administrative Officer Martha Hewitt, and  
157 Operations Manager Collen Kautz addressed the board telephonically regarding the  
158 FY 2014 4<sup>th</sup> Quarter Schedule of Revenues & Expenditures. Ms. Hewitt went  
159 through the report line by line with the board. Ms. Giessel had a question concerning  
160 expenses, specifically if the board had any recourse for reimbursement for the cost  
161 of investigator training. In FY 2013 the board paid to send Investigator Kennedy to  
162 NABP for specific training associated with Pharmacy inspections and learned today  
163 that he is no longer going to be the investigator for the board, and if the board is  
164 having to go back to the licensees to raise their fees due to administrative shuffling  
165 every year or two, and then the board does not have any recourse for retention it is  
166 unfair to the licensees when their fees are dictated by these expenses. Director  
167 Chambers felt it was an excellent point and the concern behind the question is a  
168 good one to pose to Chief Birt. Director Chambers stated that since we do not have

169 any control over the availability of funds that may become available through  
170 another association to offset these kind of costs, the State requires all expenses to be  
171 paid by the licensees with the exception of the allowable amount from third party  
172 reimbursement.

173 The challenge is to balance the investment that is made in an investigator with the  
174 other compelling needs that come up since we have a pooled investigator system  
175 wherein the investigator is not dedicated by statute but is up to management to  
176 determine allocation of an investigator's time. This is an excellent point for Director  
177 Chambers and Chief Birt to discuss to see if that investment mitigates any future  
178 changes to investigative staff.

179  
180 Chairman White asked Chief Birt if there is a lot of specialized training or specific  
181 skill set for other boards like there is for the Board of Pharmacy in regards to  
182 pharmacy inspections, theft of narcotics and the amount of "yes" answers an  
183 investigator has to deal with across the different pharmacy licensing categories.  
184 Chief Birt stated there are some general investigatory training opportunities that  
185 are the same for all boards and one of the areas Chief Birt is pursuing is improving  
186 interviewing skills because a lot of what investigators do is talk to people and this  
187 would be across all boards. When you talk about the technical detail of certain  
188 boards or professions that is specific to those boards and when you do invest the  
189 time and energy to train that investigator you want to be able to get that investment to  
190 pay off over time so we don't want to make hard changes that aren't going to yield  
191 the best results. Chief Birt's goal is to establish cross training for investigators so  
192 you have a backup and don't end up with 19 investigators like she has now and one  
193 person with a critical skill.

194  
195 Ms. Gruening asked a question to Ms. Hewitt regarding the rise in Direct  
196 Expenditures for Personal Services from FY13. Ms. Hewitt explained that costs for  
197 Personal Services includes the cost of all state employees who do work for the  
198 Board of Pharmacy, i.e. the Regulation Specialist, Paralegal, Examiner, including the  
199 Examiner that assists Ms. Bellino with application processing could be why this cost  
200 has increased. Ms. DeVito then requested clarification on the cost \$13,684 under  
201 Account Code Number 72126 Nontax Reimbursement. Ms. Hewitt advised that  
202 amount represents reimbursements made to the board for expenses incurred at  
203 board meetings. The board let Director Chambers know how much they appreciate  
204 the effort that was put forth to provide a more detailed breakdown of the costs that  
205 is easier to understand and more transparent than last year's report.

206  
207 Director Chambers reviewed with the board the November 2014 Annual Fiscal  
208 Report to Professional Licensing Programs and Commissions with the board. This is  
209 the division's first comprehensive Annual Fiscal Report. The report provides FY

210 2014 highlights such as a reduction in indirect expense of 20% since FY 2013. CBPL  
211 adjusted internal controls to achieve a 34% reduction in division legal expenses  
212 since FY 2011. In FY 2014 Professional Licensing overcame a historical deficit in  
213 annual license fee collection, and the number of professional licenses has continued  
214 to increase by 22% since FY 2011. Other information provided to the board in this  
215 report is more detailed information on how direct and indirect expense are  
216 calculated and allocated across all of the boards within the professional licensing  
217 unit, and a FY 2014 Summary of All Professional Licensing Schedules of Revenues  
218 and Expenditures that gets reported to the legislators.  
219

220 Director Chambers provided an update regarding her meetings with the Legislative  
221 Budget and Audit Committee this past summer. Director Chambers has been  
222 meeting with them once a month at a public hearing in Anchorage and believes the  
223 meetings have been productive. The monthly meetings resulted from the  
224 unsuccessful passage of HB187. HB187 was the fee setting bill that did not get  
225 passed the last legislative session. This bill garnered a lot of interest and  
226 acknowledgement that yes something likely needs to change from the legislators.  
227 The Legislative Budget and Audit committee determined during the last month of  
228 session last year that they wanted to call a time out and explore these issues and  
229 potential solutions further. This would give the committee a chance to address the  
230 concerns the committee has heard about from boards, constituents and licensees.  
231 During the last several months of legislative testimony the committee has had many  
232 questions for Director Chambers who has been reporting back to them on issues  
233 relating to travel, indirect and investigative expenses. Director Chambers will be  
234 meeting with the committee Tuesday 11/25/14 in Anchorage. There will be a full  
235 day of conversation, and due to their particular concerns members from some of the  
236 boards have been invited to discuss their concerns with the LB&A committee. The  
237 committee is in a "solution seeking" mode and they have several great ideas they  
238 have been discussing, and Director Chambers is waiting to hear what the committee  
239 lands on if anything and what individual legislators determine they want to do to  
240 hopefully introduce legislation in this coming session to be sort of an HB187 Part II.  
241 When and if there is legislation filed, Director Chambers will let the board know  
242 where to find the bill, explain what the bill is all about, and encourage the board to  
243 make comments on the bill because the legislators are very concerned about the  
244 boards input and what boards believe. Pre-filing of Bills begins mid-December.  
245

246 Lastly, Director Chambers talked to board regarding the AKPDMP (Alaska  
247 Prescription Drug Monitoring Program) and the status of funding for the program.  
248 Funding for the AKPDMP program the past year or so has been due to grants from  
249 HSS (Health and Human Services) when federal funding ran out in early 2013. HSS  
250 extended the funding for this program this year like they did last year. Their

251 funding has been able to cover the cost of the vendor, but not the cost for staff  
252 support. The Division has continued to ask for funding of the program in the  
253 division's budget request. The Governor's budget is due to be released on December  
254 15<sup>th</sup>, 2014. It will be known then if there will be anything in the budget dedicated  
255 specifically to AKPDMP. Director Chambers told the board that this is a very serious  
256 matter. It was serious matter when the program was created and the legislators said  
257 let them know if federal funding does not continue. The Division and board have let  
258 the legislators know the funding ended through the annual reporting process and  
259 legislative testimony. The Division has been advocating through their sources to  
260 find specific dedicated funding for the AKPDMP and if that funding is not secured  
261 then likely legislation will be filed to propose funding for the program and in the  
262 absence of any other alternatives funding could fall to licensees or users of the  
263 database. If/when legislation is filed Director Chambers will let the board know  
264 immediately and can work on a response to that. The board can certainly respond  
265 however it would like to that.

266  
267 Chief Birt and Director Chambers reviewed the vendor contract with HID and have  
268 identified that many of the deliverables that we were providing through the extra  
269 level of customer service provided by Investigator Howes expertise and passion for  
270 the program is that HID is able to and contractually obligated to provide this service.  
271 We are making that migration from having Investigator Howes assistance to better  
272 utilizing HID services. Director Chambers and Chief Birt do not believe there will be  
273 a significant or meaningful gap in AKPDMP service as a result of the shift to the  
274 vendor HID.

275  
276 Investigator Howes, through Director Chambers provided a draft report of the 2015  
277 AKPDMP Report for board review and input before it sent to the 29<sup>th</sup> Alaska State  
278 Legislature. This report is required annually to be submitted to the legislature.  
279 Director Chamber's intent at this time is to continue to segway Investigator Howes  
280 out of the PDMP support responsibilities, continue to work with the vendor to  
281 ensure compliance and to identify holes that may be resultant for not having a staff  
282 member dedicated as we are used too and then concurrently work on additional  
283 funding sources so we could provide onsite staff support particularly at a more  
284 strategic level than we currently can due to lack of funding. The Board of Pharmacy  
285 will be working with the legislators through the statutory process for bill  
286 submission regarding AKPDMP funding as well.

287  
288 Director Chambers requested that the board review the AKPDMP Annual Report  
289 from Investigator Howes so the report can be sent out through the Legislative  
290 Liaison Micaela Fowler. The board will review this report more in depth when it

291 discusses legislative items in the upcoming agenda item Legislative Review after the  
292 lunch break.

293

294 **Lunch Break:** Off the record at 12:02 p.m.

295 **Back on record:** 1:11 p.m.

296

297 **Agenda Item 7 – Legislative Review –**

298 The board had Caren Robinson Lobbyist for the AKPhA and Barry Christensen  
299 joined the meeting telephonically for the legislative review discussion. Barry  
300 Christiansen opened the discussion with a quick rundown on the top three priorities  
301 the AKPhA has come up with for the upcoming legislative session that were included  
302 in the candidate survey AKPhA sent out to all of the candidates previous to  
303 November's state election. Fifteen of the 25 candidates that answered the  
304 association's survey were elected. The purpose of the survey was for educational  
305 purposes and not for the endorsement of a particular candidate. The top three  
306 items from the association's membership survey are:

307

308 **1) Pharmacy Audit Bill**

309 **2) Medicaid Med Set Bill**

310 **3) Pharmacy immunization without prescriber protocol**

311 Mr. Christiansen stated that noticeably missing from the priority list is the  
312 registration of Out-of-State Wholesale Distributor bill that did not get passed during  
313 last year's session. The association fully supports this bill and is fully behind the  
314 registration of out-of-state wholesale distributors and believes it is for the  
315 betterment of the state. Mr. Christiansen had to end his participation early due to a  
316 conflicting appointment but asked from the board an update on funding for the  
317 AKPDMP. Chairman White recapped the discussion the board just had with Director  
318 Chambers about the program. Mr. Christiansen then stressed the importance of  
319 finding permanent funding for the AKPDMP Program before ending his  
320 participation.

321

322 Ms. Robinson let the board know that Dr. Dave Logan who is the Legislative contact  
323 for the Alaska Dental Society will be holding a meeting on December 11<sup>th</sup>, 2014 with  
324 all of the health care professions to talk out what is going on in the legislature that  
325 affects the health care professions and what each health care profession needs going  
326 into the coming legislative session. Ms. Robinson is hopeful that this meeting will  
327 flush some of these things out. Ms. Robinson also advised that this coming weekend  
328 there is also another group of approximately 250 people meeting in Anchorage to  
329 talk about a lot of issues and suggested the board write a letter to Governor  
330 Walker's transition team or send it to Ms. Robinson and she will make sure that it

331 gets to the transition team. This letter should reiterate the board's position  
332 regarding the importance of funding the AKPDMP from the general funds so they  
333 are aware and it becomes an issue they discuss. Ms. Robinson who supports the idea  
334 of funding the program through general funds will be very surprised if that is  
335 achieved. A creative approach which may mean having to go back to what the bill  
336 says and what we can do to have the all of the prescribers pick up the cost for it and  
337 convince Representative Keller it shouldn't be on the backs of the  
338 pharmacist/pharmacies, but all prescribers. Ms. Giessel asked why the board  
339 should appeal to the transition team when this could be done through the house and  
340 senate which is much more likely to pass it, and what would be the benefit of talking  
341 to the administration on that when it can be done primarily through the legislature.  
342 Ms. Robinson stated the Governor is going to be the one who accepts it or veto's it  
343 and it probably makes more sense if it's going to go into the operating budget, which  
344 is what would have to happen. This would also be a way to get this issue on the new  
345 Governor's radar as another policy issue that needs to be solved. Ms. Giessel  
346 commented that the purpose of the PDMP is for the public more than the profession.  
347 Shifting the cost of the program onto the backs of the profession when the entire  
348 adoption of it was a public service seems to be missing the point of the PDMP, if the  
349 public doesn't want to pay for it why should the prescriber's pay for it.

350  
351 Ms. Robinson provided to the board a short recap of where the bills ended up at the  
352 end of last year's session. The Med Set Bill made it all the way to senate rules.  
353 Representative Tammy Wilson will reintroduce the registration of out-of-state  
354 wholesale distributors and knows that the BOP is the lead and the experts on this  
355 bill. Representative Wes Keller will bring back legislation regarding the PDMP this  
356 session. The upshot, a lot of hard work done last year, but did not yield results as  
357 hoped. Ms. Robinson again reiterated to the board to draft a letter to the incoming  
358 Governor identifying the needs and concerns of the Board of Pharmacy for the  
359 upcoming legislative session. Ms. Robinson advised that the Legislative Fly-in dates  
360 are starting to take shape and the tentative dates are February 25<sup>th</sup>-27<sup>th</sup>, 2015 or  
361 March 11<sup>th</sup>-13<sup>th</sup>, 2015. The board will consider these dates when setting 2015 BOP  
362 meeting dates before the meeting convenes tomorrow.

363  
364 The board briefly discussed the citizen's initiative on the recreational use of  
365 marijuana that just passed and became law as a result of the November election that  
366 will go into effect in 90 days. Board consensus as this time is that since this just  
367 became law it is too early to know how it will all work out and the board will do its  
368 best to stay abreast as more details are known and how this will coincide with  
369 medical marijuana. Ms. Robinson concluded her participation in these discussions  
370 with the board.  
371

372 The board reviewed the proactive steps that they would like to implement to  
373 develop clear guidelines to assist the reintroduction of legislation for the licensing of  
374 out-of-state wholesale distributors. The following is the result:

375 **General Statement** - In the interest of public health and safety and compliance  
376 with the federal law DSCSA (Drug Supply Chain Security Act signed into law  
377 11/2013) and to cover all entities of drug distribution the following areas have  
378 deficiencies or lack of controls for the regulation of safe drug distribution to citizens  
379 of Alaska:

- 380  
381 1) Out-of-State Wholesale Drug Distributors  
382 2) 503b Outsourcing Facilities  
383 3) Third-Party Providers.

384  
385 **Board of Pharmacy Recommendations to better control drug distribution for the**  
386 **safety of the public:**

- 387  
388 **1) Out-of-State Wholesale Drug Distributors**  
389 • Licensing this entity will bring Alaska into compliance with the DSCSA section  
390 585(b) of the FD&C Act on Drug Product Tracing and Wholesale Drug  
391 Distributor and Third-Party Logistics Providers. November 27, 2013 DSCSA was  
392 signed into law.  
393 • Licensing regulations for wholesale drug distributors are to be issued no later  
394 than 2 years after the date of the enactment of the DSCSA (section 583(a))  
395 • Currently only in-state wholesale distributors who ship from a site in Alaska are  
396 licensed.  
397  
398 **2) 503b Outsourcing Facilities**  
399 • New entity created by the FDA as a result of the NECC (New England  
400 Compounding Center in MA.) meningitis outbreak in 2012. 503b is a new  
401 section to the FD&C Act (Food Drug & Cosmetic) within the DSCSA. A 503(b)  
402 facility charts a federally authorized pathway for "office use" compounding  
403 (prepared and dispensed without a prescription order) where there previously  
404 wasn't.  
405 • Licensing this entity would bring it under the same control and regulation that  
406 we do with similar type of operations i.e. compounding pharmacies and retail  
407 pharmacies from out-of-state.  
408 **3) Third-Party Logistics (3PL) Provider**  
409 • Currently not a licensed entity. Beginning January 1, 2015, the Federal tracing  
410 requirements of section 582 of the FD&C Act established under the DSCSA, go  
411 into effect and must now be licensed.

- 412           • Section 585(b)(2) does not permit states to license 3PLs as wholesale drug  
413           distributors. States need to establish separate licensing programs for wholesale  
414           drug distributors and 3PLs.  
415           • The licensing regulations for 3PLs are to be issued not later than 2 years after  
416           the date of the enactment of the DSCSA (section 584(d)(1)).

417           **AK Prescription Drug Monitoring Program (AKPDMP) Reintroduction of Bill**  
418           After discussing choices on how to proceed in their support of the AKPDMP Bill, the  
419           board took a poll and reached a consensus to fund the AKPDMP 100% from the  
420           general fund. If that cannot be accomplished during this session, then the board is  
421           in agreement the costs not be incurred by the prescribers.  
422

423           **Agenda Item 8 – Regulation Review –**

424           **Draft Regulations for Pharmacy Technician Certification**

425           

426           

427           Break: off the record at 2:56 p.m.

428           Back on the record: 3:10 p.m.

429

430           Mr. Cotter began the discussion by reviewing his preferences for certification of  
431           technician license that he established at the August board meeting and were  
432           included in August minutes. The board reviewed and discussed each of the items  
433           established to make sure there was still consensus. Due to time constraints the  
434           board decided to table this topic until Friday's meeting when the board reconvenes  
435           and work on the completion of the Proposed Regulation Recommendation Form  
436           that will be submitted to the Regulation Specialist Jun Maquis.  
437

438           Molly Gray, Executive Director for the Alaska Pharmacist Association provided an  
439           update to the board from the association. The AKPhA Annual Convention, Sheraton  
440           Anchorage will be held February 13-15<sup>th</sup>, 2015. This is the first time Ms. Gray  
441           addressed the board since becoming the Executive Director last spring.  
442

443           **Agenda Item 9 Application Review –**

444           The board reviewed and Shared Pharmacy Service Applications submitted by  
445           Walgreens. Justin Coyle from Walgreens was present for questions from the board.  
446           Mr. Coyle answered questions from the board regarding the need and intent of the  
447           Shared Services agreement. The board satisfied with the answers from Mr. Coyle  
448           approved the applications and they will be read into the record after review of the  
449           other applications. Ms. Bellino then distributed the other applications for review to  
450           the board.

451           Ms. DeVito left the meeting at 4:10 p.m. and returned at 4:15 p.m.

452 **On a motion duly made by Ms. DeVito, seconded by Mr. Altland and approved**  
453 **unanimously, it was**

454

455 **RESOLVED to go into executive session in accordance with**  
456 **AS44.62.301(c) 3, for the purpose of discussing an in-state pharmacy**  
457 **application.**

458

459 Board staff to remain

460

461 Off the record at 4:44 p.m.

462 Back at on the record at 4:59 p.m.

463

464 **On a motion duly made by Ms. DeVito, seconded by Mr. Kim and approved, it**  
465 **was**

466 **RESOLVED to table the application until additional information is**  
467 **obtained.**

468

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

471

472 **RESOLVED to approve the Shared Services Pharmacy Applications for**  
473 **the following Walgreens Pharmacies:**

474

475 **1) Walgreens Pharmacy #12679**

476 **2) Walgreens Pharmacy #12680**

477 **3) Walgreens Pharmacy #12681**

478 **4) Walgreens Pharmacy #13449**

479 **5) Walgreens Pharmacy #13656**

480 **6) Walgreens Pharmacy #15092**

481 **7) Walgreens Pharmacy #15362**

482 **8) Walgreens Pharmacy #15654**

483 **On a motion duly made by Ms. Gruening, seconded by Mr. Kim and approved, it**  
484 **was**

485

486 **RESOLVED to approve the In-State Pharmacy Applications for**

487

488 **1) Geneva Woods Soldotna Pharmacy**

489 **2) Walgreens Pharmacy #159444 in Fairbanks**

490 Ms. DeVito abstained from vote on Geneva Woods Soldotna Pharmacy.

491 **On a motion duly made by Ms. Gruening, seconded by Mr. Kim and approved, it**  
492 **was**

493

494 **RESOLVED to approve Pharmacist Applications for pending receipt of**  
495 **outstanding items for:**

496

497 **1) Rebecca Wall**

498 **2) Gail Elliot**

499 **On a motion duly made by Ms. DeVito seconded by Mr. Kim and approved, it**  
500 **was**

501

502 **RESOLVED to approve the Pharmacist "YES" Answer Application for**

503

504 **Edwin Baker – Pending receipt of passing MPJE exam score**

505

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

508

509 **RESOLVED to approve the Out-of-State Pharmacy "YES" Answer**  
510 **Application for**

511

512 **Bluegrass Pharmacy of Lexington, Kentucky**

513

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

516

517 **RESOLVED to approve the Pharmacy Technician "YES" Answer**  
518 **Applications for**

519

520 **1) Randall Smith**

521 **2) Nia Welch**

522 **The board recessed until 9:00 a.m. Friday November 21<sup>st</sup>, 2014**

523

524 **Off the record at 5:09 p.m.**

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**Friday November 21st, 2014**

The meeting was called to order by Dirk White, Board Chair, at 9:03 a.m.

**Call to Order/Roll Call**

Those present, constituting a quorum of the board, were:

- Anne Gruening – Public Member – Juneau
- John Cotter – R. Ph. – Fairbanks
- Dirk White – R. Ph. - Sitka
- C.J. Kim – Anchorage
- Bill Altland – Craig
- Lori DeVito - Soldotna
- Taryl Giessel – Public Member – Eagle River

In attendance from the Division of Corporations, Business & Professional Licensing, Department of Commerce, Community and Economic Development were:

- Donna Bellino, Licensing Examiner – Juneau
- Debora Stovern - Executive Administrator – AK State Medical Board

**Visitors Present:**

- Richard Holt – Walmart
- Yunga Vercelline – Genoa

**Agenda Item 1 Review Agenda -**

The board reviewed the agenda. The only change/addition was Debora Stovern, Executive Administrator for the Alaska State Medical Board will join the meeting at some point to provide an update to the status of the proposed regulation change the medical board was working on regarding Tribal Health Program federal exemptions.

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

**RESOLVED to approve the agenda for today's meeting with noted addition.**

571 **Agenda Item 10 Public Comment -**

572 Chairman White called for Public Comment. No one addressed the board with  
573 comments.

574

575 **Agenda Item 11 Debora Stovern - Executive Administrator, AK State Medical**  
576 **Board**

577

578 Ms. Stovern updated the board as to the outcome and status of the proposed  
579 regulation change **12 AAC 40. 981 Exemptions for persons who practice in**  
580 **Alaska tribal health program.** At the August BOP meeting, Ms. Stovern spoke to  
581 the board about this proposed regulation change project that the State Medical  
582 Board submitted to the Department of Law for approval. The Department of Law  
583 since then has come back and said that they did not believe that the State Medical  
584 Board has the authority to require these individuals to apply for recognition of the  
585 exemption. The State Medical Board retracted and withdrew the regulation and at  
586 their board meeting earlier in November and approved a scaled back version to go  
587 out for public comment. A copy of the scaled back version that was resubmitted was  
588 given to the board. The State Medical Board is confident this change will be  
589 approved.

590

591 **Regulation Review Continuation from 11/20/14 -**

592 The board worked up the Proposed Regulation Recommendation Form for  
593 Pharmacy Technician Certification for submission to begin the regulation process.

594

595 The board reviewed previous submitted regulation changes received from the  
596 Regulation Specialist and confirmed the accuracy of the following:

597

- 598 1) **12 AAC 02.310 Board of Pharmacy (a)** The following fees are established for  
599 pharmacists, pharmacy interns, pharmacy technicians, pharmacies, wholesale drug  
600 distributors and drug dispensaries: **(6) application fee for establishing or**  
601 **renewal of a collaborative practice plan, \$75**
- 602
- 603 2) **12 AAC 52.080 INTERNSHIP REQUIREMENTS FOR A PHARMACIST INTERN(c) is**  
604 **repealed:(c) Repealed \_\_\_/\_\_\_/\_\_\_[THE BOARD WILL ACCEPT NO MORE THAN**  
605 **1,000 HOURS OF INTERNSHIP THAT THE APPLICANT COMPLETED IN CONJUNCTION**  
606 **WITH THE EDUCATIONAL REQUIREMENTS AT A COLLEGE OF PHARMACY**  
607 **ACCREDITED BY ACPE].**
- 608
- 609 3) **12 AAC 52.100 Temporary Pharmacist License(a)** is amended by adding a new  
610 paragraph to read: **(8) submits a verification of a current license in good**

611 **standing to practice in another state or other jurisdiction with licensing**  
612 **requirements at least equivalent to those of this state.**  
613 **12 AAC 52.100(c) is amended to read: (c)** A temporary license is valid for  
614 **90 Days**[SIX MONTHS, OR UNTIL THE NEXT REGULAR MEETING OF THE BOARD,  
615 **WHICHEVER OCCURS FIRST].** For good cause shown to the board's satisfaction, the  
616 board will extend **the [A]** temporary license for **an additional [A]** period not to  
617 exceed 60 days.  
618

619 4) **12 AAC 52.240(a)** is amended to read:  
620 **(a)** A pharmacist planning to exercise collaborative plan practice authority in the  
621 pharmacist's practice by initiating or modifying drug therapy in accordance with  
622 at written protocol established and approved for the pharmacist's practice by a  
623 practitioner authorized to prescribe drugs under AS 08 must submit

- 624 • **completed application on a form provided by the**  
625 **department;**
- 626 • **the applicable fees established in 12 AAC 02.310; and**
- 627 • **the completed written protocol to the board and be**  
628 **approved by the board before implementation.**

629  
630 5) **12 AAC. 52.991 Disciplinary decision or conviction reporting requirement.** A  
631 licensee shall report in writing to the board any disciplinary decision or conviction,  
632 including conviction of a felony or conviction of another crime that effects the  
633 applicant's or licensee's ability to practice competently and safely, issued against the  
634 licensee **shall be reported to the board** [IN ANOTHER JURISDICTION] not later  
635 than 30 days of the date of disciplinary decision or conviction.

636 In addition to the above changes the board reconfirmed its intent to increase the  
637 fee for change in pharmacy manager from \$5.00 to \$50.00.  
638

639 The Board reviewed the letter from Chief Birt to the 29<sup>th</sup> Alaska State Legislature  
640 and is agreement that the letter is fine as presented and should be forwarded.  
641

642 Break: Off the record at 10:45 a.m.

643 On the record at 11:00 a.m.  
644

645 **Agenda Item 12 Correspondence -**

646 The board reviewed correspondence received since the August meeting. Included in  
647 correspondence were Reports of Theft or Loss of Controlled Substances received  
648 from pharmacies and correspondence received from NABP(National Association  
649 Boards of Pharmacy) NABP included information regarding the .pharmacy domain

650 names to NABP member boards of pharmacy. This service would allow boards to be  
651 able to register its .pharmacy domain name [www.AKboard.pharmacy](http://www.AKboard.pharmacy). The board  
652 directed Ms. Bellino to see if it would be allowable for the board to register for this  
653 domain name.

654

655 **Agenda Item 13 Collaborative Plans -**

656 The board reviewed and approved the following Collaborative Plans for:

657

658 **On a motion duly made by Ms. DeVito and seconded by Mr. Kim and approved,**  
659 **it was**

660

661 **RESOLVED to approve the Collaborative Plan Applications for**

662

663 **Walgreens #15653**

664 **Walgreens #12680**

665 **Sam's Club #6601**

666 **Walmart #3814**

667 **Walmart #2188**

668 **Walmart #4474**

669 **Walmart #2074**

670 **Walmart #2070**

671 **Walmart #2722**

672 **Walmart #4359**

673 **Walmart #2071**

674 **Walmart #2710**

675 **Walmart #2711**

676

677 **Agenda Item 14 New/Old Business Continued-**

678 The board set 2015 meeting dates as follows:

679

680 1) February 25<sup>th</sup> -27<sup>th</sup>, 2015 Location: Juneau

681 2) May 21<sup>st</sup> -22<sup>nd</sup>, 2015 Location: Anchorage

682 3) August 13<sup>th</sup>-14<sup>th</sup>, 2015 Location: Anchorage

683 4) November 12<sup>th</sup>-13<sup>th</sup> Location: Anchorage

684 The board elected board positions for coming year. John Cotter is now the board  
685 Chair, Lori DeVito will remain Vice-Chair and Anne Gruening was selected as board  
686 Secretary.

687

688 **On a motion duly made by Ms. DeVito and seconded by Ms. Giessel and**  
689 **approved, it was**

690                   **RESOLVED to approve John Cotter as board Chair**

691

692           **On a motion duly made by Ms. DeVito and seconded by Mr. Altland and**  
693           **approved, it was**

694

695                   **RESOLVED to approve Lori DeVito as board Vice-Chair**

696

697           **On a motion duly made by Ms. Giessel and seconded by Mr. Kim and approved,**  
698           **it was**

699

700                   **RESOLVED to approve Anne Gruening as board Secretary**

701

702           The board reviewed/discussed how to better manage mail ballots for the months  
703           when the board does not meet. Ms. Bellino will send out a calendar for those  
704           months and board members will sign up for the months that require mail ballots.

705

706           **Agenda Item 15 Office Business -**

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708           The board signed Wall Certificates

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710           The board adjourned at 12:06 a.m.

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Respectfully Submitted:

Donna Bellino

Donna Bellino, Licensing Examiner

Date: 2/25/15

Approved:

Dirk White

Dirk White, R. PH., Chair

Date: 2/25/15