

1 State of Alaska
2 Department of Commerce, Community and Economic Development
3 Division of Corporations, Business and Professional Licensing

4
5 Alaska Board of Pharmacy

6
7 MINUTES OF THE MEETING

8
9 February 6 – 7, 2020 In-Person Meeting

10
11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,
12 Article 6, a scheduled meeting of the Board of Pharmacy was held in-person at the
13 Robert Atwood Building, Suite 1560 in Anchorage, Alaska and at the State Office
14 Building, 9th Floor, Conference Room A in Juneau, Alaska on February 6 - 7, 2020.

15
16 Agenda Item 1 Call to Order/Roll Call Time: 9:23 a.m.

17
18 The February 6, 2020 meeting day was called to order by Chair, Rich Holt at 9:23 a.m. Ms.
19 Carrillo welcomed Justin Ruffridge, whose board membership is effective March 1, 2020, and
20 informed the board Rich Holt was reappointed through March 1, 2024. Ms. Carrillo also
21 welcomed new staff, Heather Noe and Lisa Sherrell.

22
23 Board members present, constituting a quorum:

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25 Richard Holt, PharmD #PHAP2008, MBA – *Chair*
26 Leif Holm, PharmD #PHAP1606
27 Phil Sanders, RPh #PHAP776
28 James Henderson, RPh #PHAP1683
29 Lana Bell, RPh #PHAP893
30 Tammy Lindemuth, Public Member (Absent until 10:04 a.m.)
31 Sharon Long, Public Member (Absent)

32
33 Division staff present:

34
35 Laura Carrillo, Executive Administrator
36 Heather Noe, Occupational Licensing Examiner (via phone)
37 Lisa Sherrell, PDMP Manager (via phone)
38 Carl Jacobs, Investigator

39
40 Members from the public present:

41 Jessica Adams, Telepharm (via phone)
42 Denise Duff, Assistant Ombudsman (via phone)

85	Richard Holt	x	
86	Phil Sanders	x	
87	Lana Bell	x	
88	Tammy Lindemuth		x
89	James Henderson	x	
90	Sharon Long		x

91
92 The motion passed with no further discussion.

93
94 **TASK 1**

95 Laura Carrillo will send Chair Holt the final minutes for signature.
96 *(Complete on 02/15/2020).*

97
98 **Agenda Item 5 PDMP Update Time: 9:42 a.m.**

99
100 PDMP Registration Compliance

101 Ms. Carrillo provided a PDMP update, informing the board that as of 01-28-2020, the registration
102 compliance rate for pharmacists was at 93%, adding that if federal providers are figured into the
103 statistic, the registration compliance rate is increased to 97%. Ms. Carrillo also informed the board
104 that there were 124 total delegates accessing the PDMP on behalf of pharmacists. The pharmacy
105 profession has the highest registration compliance of all providers required to register.

106
107 NarxCare

108 This feature, which displays a visual snapshot of a patient’s risk of an overdose event went live in
109 September and exists within a patient’s report. Ms. Carrillo explained that the scores are based on
110 prescriptions for stimulants, narcotics, and sedatives.

111
112 License Integration

113 Ms. Carrillo informed the board that the division is currently working on integrating the
114 professional licensing database with the PDMP site at alaska.pmpaware.com, which aims to create
115 a seamless renewal process for existing users. Ms. Carrillo explained the validation criteria, that, if
116 there are discrepancies between them in the division’s licensing system, Portal, and AWARe, the
117 user will be deactivated. The validation criteria include the first and last name, license status, and
118 license number.

119
120 Compliance Module

121 This feature is now available for providers to pull a report on all patients they didn’t review prior
122 to writing a federally scheduled II or III controlled substance, and that prescription subsequently
123 being dispensed.

124
125 Grant Activities

126 Ms. Carrillo informed the board of federal grant activities, including RxCheck, which is a
127 datasharing hub developed by the Bureau of Justice Assistance, and which must go live as a
128 condition of receiving the Overdose to Action “OD2A” grant.

129

130 **Agenda Item 6 Investigative Report Time: 9:58 a.m.**

131

132 *Carl Jacobs joined the room at 9:58 a.m.*

133

134 Investigator Jacobs joined the board to present their investigative report, which included activity
135 from November 1, 2019 to January 23, 2020. Inv. Jacobs informed the board that during this time,
136 the division opened 28 cases and closed 7 matters, and that for this report period, there was an
137 influx of referrals related to non-compliance with the PDMP registration requirement.

138

139 Discussion of case and general investigative process

140 The board then moved to discussion of the adoption of board order for case #2019-000771.
141 Investigator Jacobs indicated that some boards have significant number of licensees on probation,
142 but that if there are less than 5, the division tasks an investigator with monitoring those probation
143 cases, but the pharmacy board doesn’t currently have any probation cases. Mr. Holm inquired
144 about case #2019-000771 and what the process entailed in investigating this case. Inv. Jacobs
145 indicated that when a complaint is first received, the investigators determine whether elements
146 exist to start gathering information (e.g.: individual reaching out to them directly via request for
147 contact form); then a complaint packet is mailed out. If the matter concerns a licensed
148 professional, the licensee is notified of a potential investigation, which then moves the case to the
149 investigation stage; if violation has been found, it then moves into official investigation status, at
150 which point the licensee is notified a violation has been found and that they must report this on
151 their next renewal. Inv. Jacobs clarified that the notification of the case status moving to an official
152 complaint and notice to licensee typically happens in tandem.

153

154 PDMP cases

155 Mr. Holm inquired about the statute of limitations and as to how long someone might have to file
156 a complaint, to which Inv. Jacobs indicated there is no statute of limitations he’s aware of. Mr.
157 Holm then inquired about the investigations specifically related to the PDMP. Mr. Holm inquired
158 as to the number of cases related to pharmacies not uploading daily as currently required. Inv.
159 Jacobs clarified that the cases mainly pertain to pharmacists who do not register with the PDMP
160 within 30 days and that there has not yet been reports received on pharmacies failing to report
161 daily.

162

163 Training needs

164 Ms. Bell inquired as to how long Mr. Jacobs has been with the division, to which he indicated it
165 has been about a year with the division and 6 months assigned to the board of pharmacy. Ms.
166 Jacobs asked if he believed he’s had adequate training, to which he stated he would defer to his
167 supervisors as to whether they believe adequate training has been met. Inv. Jacobs informed the
168 board that he has had the opportunity to cross-train with the previously assigned investigator to

169 pharmacy, Brian Howes. Inv. Jacobs added he's open and happy to engage in additional training,
170 and Ms. Bell and Mr. Holm emphasized the importance and need to engage in pharmacy-related
171 training. Mr. Holm inquired into the specifics of Inv. Jacobs' background, to which he provided
172 that he was a licensing specialist for CCSD child support obligations in 2011 and later picked up
173 institutional knowledge on medical professions when working for a background check program
174 dealing with medical professionals, including assisted living, childcare services, expectations
175 medications. Inv. Jacobs was then assigned to the CBPL, board of contractors, board of nursing,
176 medical board, massage therapy, and the board of pharmacy. Inv. Jacobs stated he is competent to
177 do the job just as much as anyone in the office but reiterated he is not a licensed professional,
178 further expressing he values professionals' knowledge and refers to licensees and the board as
179 much as possible, again reiterating his willingness to engage in additional training.

180
181 Negligence case

182 Chair Holt then moved to discussing a negligence case from 2018, commenting it had been
183 ongoing and inquired about whether there was an update on this. Inv. Jacobs stated he would be
184 unable to comment on it as it's currently a pending case. Inv. Jacobs did inform the board that he
185 does prioritize to close out the older cases, and that he hopes to have a resolution for this soon.

186
187 **TASK 1**

188 Ms. Carrillo will look into training opportunities for pharmacy-related investigations.
189 *(Completed 02/13/2020; Alaska Peace Officers Association (APOA) conference is going to be in Juneau from*
190 *May 5 – 7 and is related to controlled substances; Ms. Carrillo forwarded the information to investigations.)*

191
192 **On a motion duly made by Lana Bell in accordance with AS 44.62.310(c)(2), and seconded**
193 **by Tammy Lindemuth, the board unanimously moved to enter executive session for the**
194 **purpose of discussing subjects that tend to prejudice the reputation and character of any**
195 **person, provided the person may request a public discussion.**

196
197 **RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**

198
199 Staff members, Laura Carrillo and Carl Jacobs were authorized to remain in the room.

200
201 *Off record for executive session at 10:12 a.m.*

202 *On record for public discussion at 10:23 a.m.*

203
204 Chair Holt clarified for the record that no motions were made during executive session, but were
205 ready to entertain motions.

206
207 **On a motion duly made by Lana Bell to accept the voluntary license surrender in case**
208 **#2019-000771, and seconded by Tammy Lindemuth, it was:**

209
210 **RESOLVED to accept the voluntary license surrender for case #2019-000771 for**
211 **pharmacy technician, Barron Allen.**

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	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
Lana Bell	x			
Tammy Lindemuth	x			
James Henderson	x			
Sharon Long				x

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The motion passed with no further discussion.

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Agenda Item 5 PDMP Update

Time: 10:42 a.m.

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Compliance Module

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Ms. Carrillo resumed discussion on the Compliance Module feature, reiterating that the it is now accessible and allows providers to review patients they failed to query. This does not apply to pharmacists who are not required to review such prescription information. Mr. Holm inquired whether delegates can review patient prescription information on behalf of the provider, to which Mr. Henderson indicated they can review and report, but that they must have a license under AS 08 to gain access.

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Delinquent reporting

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Ms. Carrillo informed the board that at present, there are 135 delinquent pharmacies. Adding to the earlier discussion of investigative cases related to these matters, Ms. Carrillo clarified no matters related to failure to report daily to the PDMP have been sent to investigations. This is in part because the board does not have clear authority to require zero reporting, which is operationalized as a report from a pharmacy or dispensing prescriber indicating that no controlled substances were dispensed for that day. Ms. Carrillo reminded the board that while this is part of their current proposed regulation project, the Department of Law is needing to further review their authority to require this type of reporting. Ms. Carrillo added that some of these “delinquent submitters” may be exempt from reporting due per AS 17.30.200(u). It was also added that the process of notifying delinquent submitters is quite intensive and involves working one-on-one with the pharmacy or prescribing dispenser to identify the days where there is no record and determining what prescription records may be missing. Ms. Lindemuth inquired as to whether those delinquent pharmacies only include in-state, to which Ms. Carrillo stated it could include out-of-state pharmacies as well.

250

Compliance with registration

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253

The registration compliance for pharmacists is the highest among all professions required to be registered under AS 17.30.200, which has been a consistent trend since inception. The handout provided to the board reflected a compliance rate of 93%; however, Ms. Carrillo added that if

254 federal providers are included, the compliance rate is 97%. Federal providers who are not licensed
255 were not figured into this compliance rate as they are not required to register by the department
256 under AS 08, but may be required to register per internal directives, such is this case with the
257 Tribal Health Organization, which requires all Indian Health Services (IHS) providers to register
258 with their state PDMPs.

259
260 Clinical Alerts
261 These types of alerts includes doctor shopping alerts, daily active morphine milligram equivalent
262 (MME) alerts, and dangerous combination therapy alerts. Ms. Carrillo stated this feature is not yet
263 turned on as it is contingent upon what boards agree on for definitions of thresholds. This alert
264 feature is only configurable to allow certain thresholds to apply to each profession, which can be
265 tricky when there may be too much variance between boards, specialties, and conditions being
266 treated. Ms. Carrillo stated she has had these conversations with the boards and is waiting on
267 further guidance. Ms. Carrillo then gave overview of joint committee on prescriptive guidelines,
268 which as an attempt to present to the legislature prescribing standards. The committee reviewed
269 the state of Washington's prescriptive guidelines and agreed on the guidelines except for the 120
270 MME/day, which they decreased to 90 MME/day. This MME threshold has yet to be codified in
271 regulation.

272
273 Time concerns
274 Ms. Bell commented on concerns in having adequate time for other matters given the required
275 activities from PDMP grants. Ms. Carrillo stated it can be difficult to allocate enough time to
276 licensing with there numerous time-sensitive grant deliverables required to be attended to and
277 reported on. Ms. Carrillo commented that 60% or more of time is dedicated to PDMP work,
278 which is driven by grant requirements from which DHSS has applied for on behalf of the board.

279
280 Break at 11:02 a.m.

281
282 *Off record at 11:02 a.m.*
283 *On record at 11:06 a.m.*

284
285 **Agenda Item 9 Public Comment Time: 11:06 a.m.**

286
287 There was no public comment provided to the board during this time.

288
289 **Agenda Item 5 PDMP Update Time: 11:07 a.m.**

290
291 RxCheck
292 Ms. Carrillo again resumed discussion on the PDMP, providing a recap to the board on RxCheck.
293 Ms. Carrillo added that while the law currently states data is not to be shared with the federal
294 government, connecting the PDMP with this interstate datasharing hub would not result in
295 sharing data with them. Ms. Carrillo indicated that the Dept. of Law is still currently reviewing the
296 IJIS MOU.

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TASK 2

Ms. Carrillo will follow-up on the IJIS MOU, which is currently being reviewed by the Department of Law.
(Completed 02/13/2020; Ms. Carrillo followed up for final signatures.)

Agenda Item 7 Industry Updates Time: 11:38 a.m.

There was no one from the pharmacy industry to provide a verbal update, but Ms. Carrillo included the updated NABP survey of pharmacy law in the board packet for review.

Agenda Item 8 Correspondence Time: 11:39 a.m.

The board reviewed correspondence, including announcements from the NABP.

NABP (travel discussion)

- MPJE item workshop
 - Ms. Lindemuth to potentially attend in Illinois from March 11 – 13, 2020.
 - Mr. Holm and Mr. Henderson are interested in attending the MPJE state-specific review meeting from September 9 – 11, 2020 in Illinois.
 - Ms. Bell stated it would be helpful to attend. Chair Holt stated there’s a certain way to write questions, adding that the NABP will provide states with information as to where they stand with pass rates; the last time this figure was looked at, Alaska had a pass rate in the 80th percentile.
- Ms. Carrillo and Mr. Holm to attend the 116th NABP Annual Meeting in Baltimore, MD from May 14 – 16, 2020.
- Mr. Holm and Mr. Henderson to attend the NABP Regional Meeting in Carefree, AZ from October 11 -13, 2020.

TASK 3

Ms. Carrillo will submit travel approval requests for Ms. Lindemuth to attend the MPJE workshop in Illinois on 03/11-13/2020 in Illinois; Mr. Holm or Mr. Henderson to attend the MPJE state-specific review meeting on 09/9-11/2020 in Illinois; Ms. Carrillo and Mr. Holm to attend the NABP Annual Meeting in Baltimore, MD on 05/14-16/2020; Mr. Holm and Mr. Henderson to attend the NABP Regional Meeting in Carefree, AZ on 10/11-13/2020.
(Unable to complete due to Covid-19/travel restrictions; Ms. Carrillo submitted the delegate notice to the NABP for Ms. Lindemuth’s MPJE workshop participation on 02/13/2020.)

Other correspondence

- Compounding pharmacy accreditation program
- Maryland e-prescribing bill
- CBD in pharmacies

- 339 ○ ECS inquired to the board whether the board of pharmacy has any guidance on use
340 of funds. Mr. Henderson stated hemp is a dietary supplement not regulated by the
341 board. Chair Holt stated there is no regulations addressing hemp or CBD under 12
342 AAC 52. Ultimately, the board stated they would take no opinion on this matter.
- 343 ● Expired medications
 - 344 ○ The inquiry related to whether the board could provide guidance on allowing
345 pharmacies to dispense expired medications, even if the medications are in national
346 short supply.
 - 347 ○ Mr. Sanders stated that the FDA sets the expiration dates for medications and as
348 such, Chair Holt stated the board cannot take a position on this, but added that
349 pharmacists should seek approval from the FDA if they wish to provide
350 medications beyond an expiration date.
 - 351 ● Going green – electronic handouts
 - 352 ○ Robert Waithe from VUCA Health inquired as to whether the board would allow
353 electronic handouts as patient education sheets, but that these would not replace the
354 requirement to provide patient counseling.
 - 355 ○ Chair Holt stated that the board doesn't require pharmacies to hand out patient
356 education sheets under AS 08 or 12 AAC 52. Since the board has no education
357 sheet requirement, the board opined pharmacies are welcome to do this. Mr.
358 Sanders stated it's more of a retail call.
 - 359 ● Pharmacy technician scope of practice
 - 360 ○ There was an inquiry from an attorney regarding the scope of practice of pharmacy
361 technicians. The board discussed whether a technician license is required if all the
362 individual is doing is taking a filled prescription and giving it to a patient. Mr. Holm
363 stated that even in his pharmacy, everyone is expected to be and is licensed, to
364 which the board agreed. The board discussed making a motion to clarify 12 AAC
365 52.230.
 - 366 ● AKPhA Letter to Medicaid – SB71
 - 367 ○ Mr. Holm suggested the board write their own position as it's a patient safety issue.
368 Chair Holt and Mr. Sanders stated that Medicaid doesn't recognize certain vaccines,
369 so pharmacies are forced to turn patients away. Mr. Holm stated it could be
370 compelling to write as a board, to which Mr. Sanders and Mr. Henderson agreed.
 - 371 ○ Lis from the public stated that SB71 was a follow-up in 2015 to approve the money
372 to Medicaid to pay pharmacists for those medications, but that Medicaid has yet to
373 add pharmacists to the list of recognized providers, so must dispense under a
374 collaborative practice agreement to be reimbursed. Ms. Bell stated she was unsure
375 Medicaid would do this because the federal law doesn't recognize pharmacists as
376 providers. Mr. Sanders encouraged a vote. Mr. Holm and Ms. Bell stated there isn't
377 a reason the board shouldn't support it, but that the letter needs to be addressed to
378 higher leadership within DHSS' Medicaid Office.
- 379

380 On a motion duly made by Lana Bell to write a letter regarding Medicaid provider status
 381 for pharmacists and to enforce SB71, seconded by Leif Holm, and approved unanimously,
 382 it was:

383
 384 **RESOLVED** to write a letter supporting pharmacists to gain provider status and to
 385 support SB71.

	APPROVE	DENY	ABSTAIN	ABSENT
386 Leif Holm	x			
387 Richard Holt	x			
388 Phil Sanders	x			
389 Lana Bell	x			
390 Tammy Lindemuth	x			
391 James Henderson	x			
392 Sharon Long				x

393
 394
 395 The motion passed with no further discussion.

396
 397 **TASK 4**
 398 Ms. Carrillo will respond to Robert Waithe on behalf of the board to inform him it would be fine
 399 to provide pharmacies to distribute patient sheets electronically to patients as the board has no
 400 specific requirement to do this.
 401 *(Completed 02/14/2020; Ms. Carrillo forwarded the board's response to Mr. Waithe.)*

402
 403 **TASK 5**
 404 Leif will draft the letter to Medicaid, addressed to Al Wall or Adam Crum, and Ms. Carrillo will
 405 put this on letterhead.
 406 *(Pending.)*

407
 408 On a motion duly made by Tammy Lindemuth to opine on the scope of practice of
 409 pharmacy technicians, to the extent a pharmacy technician license is required for support
 410 staff, seconded by Phil Sanders, and approved unanimously, it was:

411
 412 **RESOLVED** to agree that under 12 AAC 52.230 for pharmacy technicians, a staff
 413 member includes anyone who works in the pharmacy in a supportive capacity and
 414 who must be licensed.

	APPROVE	DENY	ABSTAIN	ABSENT
416 Leif Holm	x			
417 Richard Holt	x			
418 Phil Sanders	x			
419 Lana Bell	x			

421	Tammy Lindemuth	x
422	James Henderson	x
423	Sharon Long	x

424
425 The motion passed with no further discussion.

426
427 **TASK 6**

428 Ms. Carrillo will provide the inquiring attorney with an excerpt of the discussion surrounding
429 pharmacy technician licensure requirements.
430 *(Completed 02/14/2020; Ms. Carrillo forwarded the pertinent meeting minutes to the atty.)*

431
432 Off record for lunch at 12:19 p.m.
433 Back on record from lunch at 1:15 p.m.

434
435 **Agenda Item 10 Administrative Business Time: 1:15 p.m.**

436
437 *Mr. Holm and Mr. Henderson were not initially present upon return to record, James joined the room at 1:16*
438 *p.m.; Leif Holm joined room at 1:18 p.m.*

439
440 *Denise Duff joined the line at 1:29 p.m.*

441
442 License Statistics

443 Ms. Carrillo informed the board there were 4,124 total active and pending applications.

444
445 VAWD substitution

446 Ms. Carrillo informed the board that some applicants have, in lieu of a VAWD certificate,
447 submitted an NABP email confirming VAWD re-accreditation or Internet screenshot showing the
448 facility in an online VAWD search. Mr. Sanders stated it's expedient to lessen the stringent
449 requirement for the VAWD certificate, but Chair Holt commented that the other alternative is the
450 self-inspection report. Ms. Carrillo inquired how long it might take to do a self-inspection, to
451 which Chair Holt stated it is provided in a check-sheet format that shouldn't be too time intensive.

452
453 **TASK 7**

454 Ms. Carrillo will inform applicants that a self-inspection would be required.
455 *(Completed; ongoing.)*

456
457 Professional fitness questions

458 Chair Holt stated there are concerns with labor laws as facilities don't know the criminal status of
459 every employee; some wholesale drug distributors have thousands of employees, which can be
460 difficult to track, and some state laws deem the process to determine this information, e.g.:
461 requiring background checks, to be a violation against certain state labor laws. Ms. Bell
462 commented that for an employer to know their employees' criminal status, they would have to ask

463 this question every day, taking into consideration that new hires happen continuously. Ms. Bell
464 ultimately stated she's in agreement that it's difficult to know the status of each employee.

465
466 Mr. Sanders pointed to question #2 of the professional fitness section, stating that removing,
467 "employee" may be a reasonable solution. Ms. Carrillo inquired why there wasn't a 30-day
468 reporting requirement in subsection 12 AAC 991(b) relating to reporting of any criminal history or
469 disciplinary action to the board as there is in subsection (a). Ms. Carrillo added that the 30-day
470 requirement in (a) can be redundant to the reporting requirement for renewal as licensees end up
471 submitting their renewal application without disciplinary and supporting documents because of
472 already reporting within the 30-day timeframe. Chair Holt suggested time-stamping and suggested
473 whether the question could be reframed to say *within the past 5 years*. Mr. Holm stated the 5-year
474 requirement may still be arbitrary. Ms. Carrillo commented that the board could consider
475 establishment of barrier crimes, and Mr. Holm stated he would be amenable to making changes to
476 the professional fitness section. Ms. Bell pulled up DHSS definitions of barrier crimes under 07
477 AAC 10.905, which include endangering the welfare of vulnerable person, assault in 3rd degree,
478 indecent exposure in 2nd degree, arson, burglary, etc. Chair Holt stated that 12 AAC 52.925 is the
479 new regulation that was passed on October 31, 2019 that is grounds for denial, and the board
480 segued into discussing applications that could be approved by the executive administrator.

481
482 Application review process and approval delegation

483 The board discussed the current process of having to reviewing applications on which the
484 applicant provided an affirmative response to questions listed in the Professional Fitness section,
485 which relates to criminal history, license disciplinary actions, as well as questions relating to
486 substance abuse history, mental health, and professional competency. Regulations that went into
487 effect in October changed the application sections to read as a checklist, such that applications
488 could be approved so long as there was no affirmative answer to this section; however, most
489 applications do include "yes" responses, and so must be reviewed by the board, which may still
490 delay the license issue process. As the intent to assess applications against a checklist was to
491 improve administrative and licensing efficiency, the board agreed there needed to be criteria set
492 for applications that did contain "yes" answers but that could still be reviewed and approved by
493 the executive administrator.

494
495 Within the context of criminal history as grounds for denial under 12 AAC 52.925, applications
496 commonly included delayed pharmacist-in-charge (PIC) notifications, delayed PDMP reporting,
497 and minor traffic citations, so unless the crimes are egregious or result in a felony, the board
498 opined there was no need to review these as it rarely, if ever, results in a license denial. Ms. Bell
499 also commented that there are already checks and balances in place to ensure public safety
500 concerns are addressed, for example, that wholesale drug distributors verify licensure status of
501 purchasers of controlled substances prior to signing off on the distribution. Ms. Carrillo added
502 that background check requirement for facility managers is also in place, and the board again
503 acknowledged the 30-day reporting requirement which already exists.

504

505 The board discussed grounds for denial, citing that crimes listed in 12 AAC 52.925 should not be
506 approved; however, if there is a history of a crime listed in this regulation but results in a
507 misdemeanor as opposed to a felony conviction, the application should still be approved
508 administratively. As a point of clarification, Ms. Carrillo inquired whether that would include theft
509 or burglary misdemeanor convictions, which are listed in 12 AAC 52.925, to which the board
510 affirmed should still be approved. This authorizing statute, AS 08.80.261, on which the regulation
511 is based states applications *may*, not shall, be grounds for denial, so the board could exercise
512 discretion and further specify what can or cannot be approved.

513

514 **12 AAC 52.925. GROUNDS FOR DENIAL OR DISCIPLINE FOR CRIMINAL HISTORY.**

515 (a) As used in AS 08.80.261 and this chapter, crimes that affect the applicant's or licensee's ability
516 to practice competently and safely include

- 517 (1) murder;
- 518 (2) manslaughter;
- 519 (3) criminally negligent homicide;
- 520 (4) assault;
- 521 (5) sexual assault;
- 522 (6) sexual abuse of a minor;
- 523 (7) unlawful exploitation of a minor, including possession or distribution of child
524 pornography;
- 525 (8) incest;
- 526 (9) indecent exposure;
- 527 (10) robbery;
- 528 (11) extortion;
- 529 (12) stalking;
- 530 (13) kidnapping;
- 531 (14) theft;
- 532 (15) burglary;
- 533 (16) forgery;
- 534 (17) endangering the welfare of a child;
- 535 (18) endangering the welfare of a vulnerable adult;
- 536 (19) unlawful distribution or possession for distribution of a controlled substance; for
537 purposes of this paragraph, "controlled substance" has the meaning given in AS 11.71.900;
- 538 (20) reckless endangerment.

539 (b) Convictions of an offense in another jurisdiction with elements similar to an offense listed in
540 (a) of this section affect the applicant's or licensee's ability to practice competently and safely.

541

542 **On a motion duly made by Lana Bell to allow the executive administrator for the board of**
543 **pharmacy to approve and issue licenses and registrations for applications containing**
544 **affirmative responses to the professional fitness section, but that are not related to crimes**
545 **or actions listed under 12 AAC 52.925 (grounds for denial) and do not result in a felony**
546 **conviction, seconded by Phil Sanders, and approved unanimously, it was:**

547

548 **RESOLVED** to allow the executive administrator to approve license and
 549 registration applications if affirmative responses to the professional licensing
 550 section does not include crimes listed in 12 AAC 52.925 and are not felony
 551 convictions.

	APPROVE	DENY	ABSTAIN	ABSENT
554	Leif Holm	x		
555	Richard Holt	x		
556	Phil Sanders	x		
557	Lana Bell	x		
558	Tammy Lindemuth	x		
559	James Henderson	x		
560	Sharon Long			x

561
 562 The motion passed with discussion.

563
 564 Discussion

565 Mr. Henderson suggested there could be a subsection (c) added to 12 AAC 52.991 (disciplinary
 566 decision or conviction reporting requirement), to address wholesale drug distributors, outsourcing
 567 facilities, and third-party logistics providers. Ms. Bell commented on what the board’s goal is;
 568 stating that if it’s related to public safety concerns and drug diversion, the board should be asking
 569 these questions. Ms. Bell suggested this topic be placed on an agenda for the subcommittee to
 570 discuss. Mr. Holm suggested taking out “employee”, and replacing it with, “any owner or
 571 manager.”

572
 573 **TASK 8**

574 Chair Holt and Ms. Lindemuth will add 12 AAC 52.991 related to disciplinary decision and
 575 conviction reporting requirements, as well as the professional licensing questions as a topic for
 576 discussion at their next subcommittee meeting.
 577 *(Complete; subcommittee meeting pending.)*

578
 579 **TASK 9**

580 Chair Holt and Ms. Lindemuth will notify Ms. Carrillo as to when they will be scheduling their
 581 next Right-Touch Regulations Subcommittee meeting.
 582 *(Completed 02/13/2020; Chair Holt requested the subcommittee meet on 03/19/2020 and 03/31/2020.)*

583
 584 *Justin Ruffridge joined the room at 2:12 p.m.*

585
 586 Resume requirement

587 The board then discussed the resume requirement. Ms. Carrillo commented that there can be
 588 alternative biographical or academic documents submitted, and the board doesn’t define,

632 The board discussed moving into executive session to discuss a pending pharmacy technician
633 application.

634
635 **On a motion duly made by Lana Bell in accordance with AS 44.62.310(c)(2), and seconded**
636 **by Tammy Lindemuth, the board unanimously moved to enter executive session for the**
637 **purpose of discussing subjects that tend to prejudice the reputation and character of any**
638 **person, provided the person may request a public discussion.**

639
640 **RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**

641
642 Staff members, Laura Carrillo was authorized to remain in the room.

643 *Off record for executive session at 2:39 p.m.*

644 *On record for public discussion at 3:30 p.m.*

645
646 *Note: Ms. Carrillo and the board of pharmacy joined the medical board meeting for a PDMP update at 3:00*
647 *before resuming the public meeting at 3:30 p.m.*

648
649 **Agenda Item 12 Board Business Time: 3:30 p.m.**

650
651 *Rachel Bergartt and Justin Ruffridge joined the room via phone at 3:30 p.m.*

652
653 Review applications

654 Chair Holt clarified for the record that no motions were made during executive session. Rachel
655 Bergartt from the Board of Veterinary Examiners was on the line to discuss HB184, the PDMP
656 veterinary exemption bill; however, this had been moved to day 2 of the meeting as Ms. Carrillo
657 hadn't received the presentation materials in time. Ms. Bergartt confirmed she would be available
658 to discuss HB184 on February 7th around 9:00 a.m. Chair Holt prompted the board to begin a
659 motion on the application review.

660
661 **On a motion duly made by Leif Holm to approve the pharmacy technician application for**
662 **Dominque Anthony Brown considering AS 08.80.261(8) and 12 AAC 52.925(7), seconded**
663 **by James Henderson, but denied unanimously, it was:**

664
665 **RESOLVED to deny the pharmacy technician application submitted by Dominique**
666 **Anthony Brown in light of AS 08.80.261(8) and 12 AAC 52.925(7).**

667

	APPROVE	DENY	ABSTAIN	ABSENT
668				
669	Leif Holm	x		
670	Richard Holt	x		
671	Phil Sanders	x		
672	Lana Bell	x		
673	Tammy Lindemuth	x		

674	James Henderson	x
675	Sharon Long	x

676
677 The motion passed with no further discussion.

678
679 Review HB89 letter of support (an Act relating to the prescription of opioids)

680 Chair Holt provided a draft letter of support that was uploaded for the board to review and vote
681 on from 01/06/2020 to 01/13/2020. The preliminary results were two votes and one no vote.
682 Chair Holt provided a recap of the bill, indicating that the initial version was not supported by the
683 board due to the language describing pharmacists and prescribers and requiring mandatory patient
684 counseling, which pharmacists are required to do already. Chair Holt added that the new iteration
685 would provide the board the authority to determine where mandatory counseling will apply. Ms.
686 Bell indicated she initially voted no because she misunderstood the intent. Mr. Sanders pointed to
687 the language indicating, “oral” or “written”, inquiring whether this contradicts the board’s earlier
688 position on the going green request to allow patient education sheets to be distributed
689 electronically. Mr. Sanders inquired as to whether a document is still “written” if it’s electronic.
690 Chair Holt commented that it’s not the intent that refill prescriptions for patients who already
691 receive the patient counseling again receive this, that the board would be able to establish
692 exemptions in regulation. Mr. Holm affirmed that certain populations would still have to provide
693 written and oral counseling. Mr. Holm stated he provided a, “no” vote on HB89 because of
694 having to provide the written and oral counseling, rather than it being written “or” oral
695 counseling. Mr. Holm stated he uses a risk of addiction sticker on prescriptions, adding that
696 written paperwork given to patients may likely end up just being thrown away. Ms. Bell inquired as
697 to whether the sponsoring representative would be amenable to changing the language from “and”
698 written to “or” written, to which Chair Holt stated the representative did not seem too keen on
699 amendments. Lis commented on the auxiliary label, which would be considered written. Chair
700 Holt stated he would check with the sponsor, but reminded the board that the proposal would
701 give the power to the board to adopt regulations requiring this.

702
703 Mr. Henderson inquired as to whether it passes will be contingent on the board supporting it or
704 not. Mr. Holm stated that it would depend on the legislature, and Ms. Bell stated that bills relating
705 to opioids tend to be passed. Mr. Holm stated that this would result in the board creating more
706 regulations when at the same time, boards are being tasked to de-regulate. Ms. Carrillo suggested
707 the board could support the bill with an amendment. Mr. Holm stated that the proposal puts
708 pharmacists at risk of being blamed in the event that an individual experiences an overdose. Chair
709 Holt stated that even if there is a language change from “and” to “or”, blame could still be put on
710 a pharmacist.

711
712 Jurisprudence examinations/intern renewal

713 Mr. Holt stated that the jurisprudence examination for pharmacy interns need to be updated. Ms.
714 Lindemuth commented that there could be a dedicated subcommittee to continually update the
715 questionnaires. The board discussed renewal applications, which is included in the initial
716 application for pharmacy interns, which are also used to “renew” an existing pharmacy intern

717 license. Chair Holt commented that existing regulation allows interns to renew their license, which
718 is currently issued for a period of two years from the date of issue. Ms. Carrillo clarified for the
719 board that pharmacy interns use their existing license #s when they renew rather than being
720 assigned a new license #.

721

722 Compounding subcommittee

723 Mr. Sanders has been working on gathering information from other states relating to
724 compounding, and distributed copies of compounding regulations to the board from Utah, New
725 Jersey, and New Mexico. Mr. Sanders prompted the board to clarify whether they wanted
726 compounding regulations to be concise and abbreviated or in-depth and robust, stating that there
727 was variance among these states in the level of detail in information in their compounding
728 regulations. Mr. Sanders added that New Jersey had 50-100 pages on USP chapters 795, 797, and
729 800; New Mexico has a 10-15 page document; and Utah has a 6-7 page document referencing USP
730 797 only. As a downside to adopting robust regulations similar to New Mexico, Mr. Sanders stated
731 that if there were USP changes, it would require more time and work to update all the sections,
732 which likely would happen continuously.

733

734 Mr. Holm stated he looked at other states' regulations as well. Mr. Holm's philosophy is to answer
735 what the board is trying to accomplish and who it will be affecting, to which he stated would
736 affect a relatively small population, like 4-5 pharmacies. Mr. Holm stated that he drafted
737 regulations for USP 797, reiterating these would affect a relatively small population. Mr. Holm
738 stated he has looked at Texas laws because they heavily compound, but they also don't take all of
739 797 and don't use 800 at all; it is a pro-compounding state but doesn't have onerous regulations.
740 Mr. Holm stated he still intends on re-drafting the regulations since USP 795 is going to be
741 changing, adding that he aimed to wait until the summer when the revisions will be finalized.

742

743 Mr. Henderson stated that his employer must be accredited so has to comply entirely with USP
744 797, as does Mr. Sanders. Mr. Henderson stated the board needs to put out robust requirements
745 for out-of-state pharmacies, to which Mr. Holm disagreed, stating they can't follow lesser
746 guidelines; that the board should expect them to comply with their own state requirements. Chair
747 Holt stated that we can't make a pharmacy shipping to Alaska meet certain criteria because they
748 have a registration, not a license, which is what had been reiterated in the past by the AAG. Mr.
749 Holm stated he struggles with the beyond use date limitations in USP 797, stating it's arbitrary. Mr.
750 Sanders suggested writing one-sentence regulations for adopting USP 795 and 795; however, Mr.
751 Holm disagreed because there are components of 795 that he disagrees with, like the beyond use
752 date.

753

754 **Agenda Item 13 New Business**

Time: 4:05 p.m.

755

756 Strategic planning

757 Ms. Carrillo informed the board that boards are being asked to develop strategic plans. Ms. Bell
758 commented this is common with changes in administration and expressed an interest in initiating
759 drafts for the board. Ms. Bell commented on the example from the AELS board which was

760 included in the board’s packet, stating it was a great example on which to build from. Ms. Bell
761 identified four guiding principles the board could focus on:

762

- 763 1.) Development of regulations
- 764 2.) Training for board and staff, including the assigned investigator
- 765 3.) PDMP: increase participant rate; outreach to providers to improve compliance
- 766 4.) CSAC: working with department of law to establish strong committee

767

768 **TASK 10**

769 Ms. Carrillo will send a draft strategic plan to Ms. Bell for review, and will present this draft at the
770 board’s next meeting.

771 *(Ongoing.)*

772

773 Federal Regulations

774 Included in the boards packet was a document on electronic prescribing, which will go into effect
775 in 2021, stating states must have electronic prescribing.

776

777 Nominations

778 Chair Holt requested that board nominations be moved to day 2, February 7.

779

780 **Agenda Item 15 Recess**

Time: 4:51 p.m.

781

782 The board moved to recess until day 2, February 7.

783

784 *Off record at 4:51 p.m.*

785

786

787

788

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800

801

802

State of Alaska

803 Department of Commerce, Community and Economic Development
804 Division of Corporations, Business and Professional Licensing

805
806 Alaska Board of Pharmacy
807

808 DRAFT MINUTES OF THE MEETING

809
810 February 6 – 7, 2020 In-Person Meeting
811

812 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,
813 Article 6, a scheduled meeting of the Board of Pharmacy was held in-person at the
814 Robert Atwood Building, Suite 1560 in Anchorage, Alaska and at the State Office
815 Building, 9th Floor, Conference Room A in Juneau, Alaska on February 6 - 7, 2020.
816

817 **These are draft minutes that haven't yet been approved by the board.**

818
819 Agenda Item 1 Call to Order/Roll Call Time: 9:01 a.m.
820

821 The February 7, 2020 meeting day was called to order by Chair, Rich Holt at 9:01 a.m.
822

823 Board members present, constituting a quorum:
824

825 Richard Holt, PharmD #PHAP2008, MBA – *Chair*
826 Leif Holm, PharmD #PHAP1606
827 Phil Sanders, RPh #PHAP776
828 James Henderson, RPh #PHAP1683
829 Lana Bell, RPh #PHAP893 (Absent until 9:06 a.m.)
830 Tammy Lindemuth, Public Member (Absent until 9:10 a.m.)
831 Sharon Long, Public Member (Absent)
832

833 Division staff present:
834

835 Laura Carrillo, Executive Administrator
836 Heather Noe, Occupational Licensing Examiner (via phone)
837 Lisa Sherrell, PDMP Manager (via phone)
838 Ilsa Lund, Occupational Licensing Examiner (via phone)
839

840 Members from the public present:
841

842 Denise Duff, Assistant Ombudsman (via phone)
843 Lis Houchen, NACDS
844 Rachel Bergartt, Board of Veterinary Examiners (via phone)

845
 846 **Agenda Item 2 Review/Approve Agenda** **Time: 9:02 a.m.**
 847

848 Chair Holt recalled for the record that the board moved discussion of HB 184 with Rachel
 849 Bergartt from yesterday’s agenda to today’s agenda. Ms. Carrillo clarified that on the agenda,
 850 James Henderson is misnamed as vice chair, which currently is Phil Sanders.

851
 852 **On a motion duly made by James Henderson, seconded by Phil Sanders, and approved**
 853 **unanimously, it was:**

854
 855 **RESOLVED to accept the February 7, 2020 meeting as amended.**
 856

	APPROVE	DENY	ABSTAIN	ABSENT
857 Leif Holm	x			
858 Richard Holt	x			
859 Phil Sanders	x			
860 Lana Bell				x
861 Tammy Lindemuth				x
862 James Henderson	x			
863 Sharon Long				x

864
 865
 866 The motion passed with no further discussion.
 867

868 **Agenda Item 14 HB184 (from day 1)** **Time: 9:05 a.m.**
 869

870 *Lana Bell joined the room at 9:06 a.m. and Tammy Lindemuth joined the room at 9:10 a.m.*
 871

872 Rachel Bergartt from the board of veterinary examiners was present to speak to the board of
 873 pharmacy on the veterinary board’s position on HB184, which seeks to exempt veterinarians from
 874 registering with and using the Prescription Drug Monitoring Program (PDMP). Ms. Carrillo
 875 included Dr. Bergartt’s HB184 overview, which outlined ways in which the board believes the
 876 database is unhelpful to veterinarians. Dr. Bergartt stated that the primary purpose of the
 877 document is for distribution to legislators, so is broad, but that she would be would be happy to
 878 provide more details. Dr. Bergartt commented that the board did write a letter to Governor
 879 Walker during the 2018 legislation and to the board of pharmacy expressing concern with how it
 880 would be unusable for veterinarians and the relatively low percentage of veterinary opioid
 881 prescriptions issued. Dr. Bergartt informed the board that 37 states have already exempted
 882 veterinarians due to similar challenges and issues with mixing animal prescription data with human
 883 data. PDMP manager, Lisa Sherrell, inquired as to whether the 37 are moving to actively or have
 884 actively exempted them (repealed veterinarian use), or whether the states never required
 885 veterinarians to register and use the database to begin with, to which Ms. Bergartt stated she was
 886 unsure but that this was information pulled from the national veterinary association webpage. Dr.

887 Bergartt did clarify that the board of veterinary examiners gathered some state-specific
888 exemption information, such as in Minnesota, which sought and received a statutory change to
889 exempt veterinarians. Ms. Bergartt added that initially, the PDMP seemed like manageable way to
890 handle the opioid crisis, but practically, it has fallen flat. The board was informed by Dr. Bergartt
891 that veterinarians do recognize the opioid problem and that there are now educational materials
892 available to its licensees that weren't previously available; on their board website, there are link and
893 references to materials put forward by the AVMA.

894
895 Dr. Bergartt continued to explain to the board that ownership is difficult to track and that there
896 is no case law indicating that microchipping is a reliable way to prove ownership, and that animals
897 have no official date of birth. Furthermore, it was explained that the NarxScore feature, which
898 displays an individual's risk of overdose, is an invasive measure in assessing an owner. Ms.
899 Bergartt added that veterinarians are not trained to assess human prescription information, or use
900 that information to make informed decisions on how to treat or not treat their animal patient.
901 Veterinarians are seeking exemption because it doesn't work for them, and because it's detrimental
902 to people and animals.

903
904 Ms. Bergartt assured the board that she and her respective board are very interested in finding a
905 solution that would work well for all parties involved. Chair Holt stated to Dr. Bergartt that the
906 statute as written now wasn't written by the board of pharmacy and reiterated to the board that
907 the statute was placed upon them, appended to their statutes and regulations, because the PDMP
908 already existed. Chair Holt inquired to Dr. Bergartt what the legislature said in response to their
909 board letter against SB74, to which she indicated the board received no response, but also added
910 that it would have been premature for vets to lobby legislatures because nobody quite understood
911 how system was going to work, and that now is the appropriate time.

912
913 Chair Holt inquired to what legislators are now saying in response to their current exemption
914 efforts, to which Ms. Bergartt stated she has spoken to three legislators officially and a number of
915 legislators unofficially, all of whom have been very receptive. Ms. Bergartt informed the board
916 that another board of veterinary examiners member, Dr. Scott Flammy is going to be taking over
917 direct contact with the legislators. Mr. Holm stated he has been in contact with Dr. Flammy and is
918 personally opposed to an exemption, but acknowledged there does seem to be a problem with the
919 display for veterinarians, including blank pages even though there is positive human patient
920 prescription history.

921
922 Mr. Holm commented that he had recently read an article on veterinarians needing more opioid
923 training, and stated that he does believe veterinarians are contributing to the opioid crisis. Within
924 his own community, Mr. Holm stated that he has spoken with abuse doctor who runs addiction
925 clinic and has said owners are intentionally abusing their animals. Mr. Holm stated that if
926 veterinarians are exempt, it will create a loophole that may open the veterinarian board up to a
927 bigger problem. Mr. Holm acknowledges the plight, but believes the issues are fixable. Dr.
928 Bergartt stated that to point of intentional animal abuse, there is language addressing this already
929 in statute, and veterinary board already requires its licensees to assess for animal abuse, then take

930 the information to the appropriate authorities. Dr. Bergartt reiterated the fortuitous timing,
931 stating the veterinary board has the highest licensing fees and that the time for fixing glitches has
932 passed. Mr. Holm asked Dr. Bergartt whether she was worried that if this loophole is created,
933 there will be more incidents of abuse, and commented that he doesn't believe the time to fix the
934 glitches has passed, but that it is only now that the veterinary board is expressing this. Dr.
935 Bergartt stated this is incorrect; the veterinary board sent a message to the board of pharmacy a
936 year ago expressing concerns, and that they received no response. Ms. Carrillo reminded Dr.
937 Bergartt and the board of pharmacy that the letter was reviewed by the board promptly, and
938 follow-up responses were provided both by the board and by the AG assisting at the time.

939
940 From a budgetary standpoint, Dr. Bergartt stated it would take a lot of money to fix. Chair Holt
941 asked her to elaborate on pieces of legislation that's posing the most issues and resulting in
942 investigate, to which she indicated that as a board member, she not privy to investigations being
943 initiated, but was told there were about 50 investigations. It was unclear if these matters were
944 related to registering, reviewing, or reporting. Dr. Bergartt stated she personally didn't find it
945 burdensome to register, but has only found reviewing and reporting to be cumbersome because
946 the owner is impossible to track. Ms. Carrillo commented that the veterinary board's regulations
947 state that prescriptions are issued to the owner, such that the patient review would be on the
948 owner listed on the label. Dr. Bergartt explained to the board how there could be multiple
949 owners. The board acknowledged this challenge, and Mr. Holm stated there could be an owner
950 one day bringing the animal in, and the next day it could be a friend or neighbor.

951
952 Ms. Carrillo inquired to Dr. Bergartt whether, during the board's research, they were able to find
953 states that currently require veterinarians to register and use the database, and whether or not their
954 laws work for them. Dr. Bergartt stated she would check with the national organization. Mr.
955 Henderson inquired as to what those states who have exemptions have exemptions are doing to
956 combat the issue if they're not using the PDMP, adding that some states have required continuing
957 education specifically dedicated to veterinarians. Mr. Holm asked whether there were efforts
958 underway for the veterinary board to require continuing education (CE), which he commented
959 might go a long way, and to which Dr. Bergartt agreed. Occupational licensing examiner for the
960 board of veterinary examiners, Ilsa Lund, commented that the board has an upcoming meeting on
961 February 24th, which is being held specifically to address continuing education. Ms. Carrillo
962 inquired whether the veterinary board looked into statistics by the Department of Public Safety
963 (DPS) to assess whether there were changes in any diversion trends or animal abuse cases prior to
964 and after the PDMP mandate, to which Dr. Bergartt indicated she would certainly be open to
965 reaching out to DPS. Chair Holt agreed, adding that legislators may be find this type of
966 information valuable and further suggested to look at animal cruelty investigations and case
967 outcomes. Chair Holt also inquired to Dr. Bergartt whether this was presented to other boards
968 and if so, what their responses were, to which she stated she hasn't yet but hoped to do so. The
969 board thanked Dr. Bergartt for her time to express challenges veterinarians are facing in using
970 the database.

971
972 *Rachel Bergartt and Ilsa Lund left the room telephonically at 10:02 a.m.*

1058 Change fee references from 12 AAC 02.105 to 12 AAC 52.310.

1059

1060 12 AAC 52.095(c)(8)

1061 For the board's regulation addressing primary source verification, the Department of Law is
1062 questioning the justification for this. Ms. Carrillo stated the board of nursing has this language in
1063 their regulations, 12 AAC 44.317(a)(5)(C).

1064

1065 12 AAC 52.140(b)(3)

1066 The board reviewed their regulation project on pharmacy technicians. With regards to the GED
1067 requirement, LAW indicated that they would like to see GED spelled out.

1068

1069 12 AAC 52.140(b)(6)

1070 LAW indicated in their feedback they would delete this section on reputable citizens; however,
1071 Chair Holt noted that this is a requirement in statute for pharmacists, so it can't be taken out for
1072 pharmacists.

1073

1074 12 AAC 52.235

1075 In the regulation project addressing approved functions for pharmacy technicians holding a
1076 national certification, 12 AAC 52.235(a)(1), proposes prospective drug review. The board noted to
1077 change this to drug regimen review under AS 08.80.480(11) and (37), and that there may be a need
1078 to define "technology assisted filling equipment", which could be done under 12 AAC 52.995. Ms.
1079 Bell commented that it is up to the employer to ensure there's checks and balances for pill
1080 counting. Ms. Bell referenced the image resource, which is proposed in subsection (3). The board
1081 discussed changes to bar code verification systems, and commented on a change of (3), to include
1082 "display image or graphic depiction."

1083

1084 The board addressed LAW's comment on the proposed section (b), stating, "a nationally certified
1085 technician may clarify the following information...", which asks the board to clarify whether they
1086 mean to say "may" or "shall". Ms. Bell stated that the purpose is for allowing it to occur, not
1087 requiring that it occurs. Mr. Henderson stated he was confused on the language relating to the
1088 nationally certified pharmacy technician, which Chair Holt clarified needed to be struck.

1089

1090 The board looked at the proposed section to 12 AAC 52.235 (b)(D), and decided to take out, "or
1091 other similar language." Lana: how about putting "any information required by third-party payers
1092 for payment processing." In 12 AAC 52.235(c), Chair Holt indicated they could replace the
1093 proposed "immediate supervision" with "personal supervision, because this isn't currently defined,
1094 but "personal supervision" is under 12 AAC 52.995(22). Mr. Henderson commented that it may
1095 make more sense to use "direct supervision", which is defined under 12 AAC 52.995(13). Ms. Bell
1096 stated there should be a pharmacist on both ends, commenting that she doesn't trust there being
1097 just a pharmacist on one end and a pharmacy technician at the other end. Mr. Holm stated that
1098 there are two schools of thought: some don't trust technicians to do this and the other thought
1099 that there should be trust in technicians being able to do this given there is supervision provided.
1100 Ms. Bell reiterated her opinion that there should be a pharmacist on both ends. Mr. Holm

1101 referenced a CVS article that supermarket pharmacies are going out of business left and right
1102 because of the reimbursement model, and that pharmacists are so overworked that mistakes are
1103 happening. Mr. Holm stated that what the proposal does is that it removes the burden off the
1104 pharmacist because the duties that are being delegated to pharmacy technicians who are nationally
1105 certified are less likely to result in mistakes. Ms. Bell asserted that she agrees with the proposal, but
1106 disagrees with the ability of a pharmacy technician to perform a check of the initial prescription.
1107 Ms. Bell stated it would be prudent to have a pharmacist at one end or the other for call transfers,
1108 to which Mr. Holm stated most transfers are done by fax, so there really isn't a phone call done
1109 between pharmacy technicians, that there's an opportunity, but that there is doubt in whether this
1110 is actually happening. Chair Holt added that there are already other states doing this. Mr. Holm
1111 stated that public comment will be the time to gauge feedback on this issue. The board ultimately
1112 agreed to send this section out for public comment as written.

1113

1114 12 AAC 52. 235(g)

1115 The board discussed striking the first sentence that states, "a nationally certified pharmacy
1116 technician may perform all the duties of a pharmacy technician."

1117

1118 12 AAC 52.470(d)

1119 The board discussed striking (d), "If an original prescription drug order is prescribed a 30-day
1120 supply." such that it reads, "A pharmacist, nationally certified pharmacy technician, or pharmacist
1121 intern may dispense any quantity of a prescription drug order as long as..."

1122

1123 Zero reporting is still reviewing this section, so board will pull this out.

1124

1125 12 AAC 52.995(a)(38)

1126 With regards to the "nationally certification" definition, LAW indicated it's not necessary. Mr.
1127 Holm stated there are two certifying agencies, to which Chair Holt inquired as to whether there is
1128 an overshadowing organization that approves accrediting agencies. Lis indicated that the language
1129 they usually use is, "national certifying agency". The board ultimately decided to leave out the
1130 definition.

1131

1132 12 AAC 52.423(d)

1133 Changes to this section was previously tabled. The board continued to discuss this and referenced
1134 documents provided by Cardinal Health/Telepharm. The board ultimately decided to keep the
1135 mileage restriction in as is.

1136

1137 Length of Rx (new)

1138 The board reviewed the possibility of setting time limitations on which prescriptions are valid for.
1139 Mr. Holm stated that if we give a timeframe for fill, patients might fill it right away in case they
1140 need it later. Ms. Bell inquired as to whether there are situations where this is helpful. The board
1141 continued to discuss this.

1142

1143 Questionnaire

1144 The board discussed the jurisprudence questionnaire and what value it has for licensure. It was
1145 ultimately decided to strike these from regulations for pharmacists and interns.

1146
1147 12 AAC 52.990

1148 Chair Holt inquired as to whether the board should keep the section relating to conspicuous
1149 display of licensure as written or whether it needs a re-write. Mr. Holm stated that his pharmacy
1150 always does a print out and puts them up at all locations. Chair Holt inquired as to whether the
1151 intent is to just make sure they have a license. Ms. Bell stated that for small staff, it's good to have
1152 on the wall, but if you have ten staff and it is on file somewhere, that should suffice.

1153
1154 **TASK 12**

1155 Rich Holt will continue to work on language for conspicuous display of licensure.
1156 *(Ongoing.)*

1157
1158 Resume

1159 The board returned to discussion on requiring resumes and ultimately decided to move towards
1160 striking this requirement in regulation.

1161
1162 Self-inspection report

1163 Chair Holt inquired to the board what their feedback was on inspection reports. Ms. Bell stated
1164 the board doesn't have dedicated inspectors. Mr. Holm commented that it allows time for pause
1165 to look at facility operations, and Ms. Bell stated it's an attestation and should suffice on the
1166 application, adding that we should be trusting that other states have standards of practice. Mr.
1167 Holm stated minimum standards of Alaska need to be upheld. Chair Holt reminded the board that
1168 AG Megyn Greider went back to the intent of the legislature on regulating of out-of-state
1169 pharmacies, and that the intent was to register rather than license, which limits the board's ability
1170 to regulate and subsequently discipline this license type.

1171
1172 Off record for lunch at 12:24 p.m.

1173 Back on record from lunch at 1:41 p.m.

1174
1175 *Note: Ms. Carrillo joined the board of nursing at 1:00 p.m. to provide a PDMP update.*

1176
1177 **Agenda Item 3 Regulations Time: 1:41 p.m.**

1178
1179 The board resumed regulation discussions.

1180
1181 12 AAC 52.080(d)

1182 Chair Holt referred to this section, which currently contains language addressing approval of
1183 internship programs in non-traditional site, recommending this be repealed since "nontraditional"
1184 is not defined in statute or regulation, so there is no approval process, and therefore no criteria to
1185 base any decision on whether to approve such programs. There was no opposition to this.

1186

1187 12 AAC 52.120

1188 The board discussed the review of pharmacist intern license application, in which it was suggested
1189 that there be a repeal to (7) for the intern questionnaire. Pointing to subsection (c), Ms. Bell
1190 commented on whether there should be a separate renewal form or alternatively, whether their
1191 license should be issued for the period tended to 4 years instead of 2.

1192

1193 12 AAC 52.200

1194 The board discussed termination of internship practice, for which it wasn't immediately clear
1195 whether this was necessary. Ms. Carrillo stated it seems to be redundant, given pharmacy interns
1196 who later apply for licensure as a pharmacist have to submit a separate form, verification of
1197 internship or experience, which would contain all the information provided in this termination of
1198 sponsorship form. Ms. Carrillo also commented that it may be helpful for pharmacy interns who
1199 go on to apply for pharmacist licensure in other states and have to verify the number of hours
1200 they completed during their internship with an Alaska pharmacist. The board continued to discuss
1201 this.

1202

1203 Pharmacist-in-charge

1204 The board discussed the duplicate license fee, which may need to be updated.

1205

1206 Pharmacist to intern ratio

1207 The board also discussed the pharmacy – pharmacy intern ratio as there cannot be two interns
1208 dispensing simultaneously.

1209

1210 Mr. Holm also addressed a typo on form #08-4166.

1211

1212 **TASK 13**

1213 Laura will update the typo on form #08-4166 (in-state wholesale drug distributor), which, on
1214 instruction page 1 of 1, references 'pharmacy' for change of ownership. The citation in this section
1215 also needs to be updated to reference 12 AAC 52.610.

1216 *(Completed; Ms. Carrillo submitted a request to the publications unit on 02/15/2020 to correct the typo on form*
1217 *#08-1466 referencing 'pharmacy' instead of facility and to correct the citation to 12 AAC 52.610.)*

1218

1219 DEA form 106 discussion

1220 The board discussed the reason for reviewing these forms. Mr. Holm commented that the EA can
1221 assess based on a threshold, such as 5 or more robberies or thefts, to which Chair Holt agreed.
1222 Ms. Lindemuth suggested the EA assess box 9 related to 5 or more instances within 6 months.

1223

1224 **TASK 14**

1225 Ms. Carrillo will only include reports of lost or stolen prescriptions, DEA form 106 only in the
1226 scenarios involving robbery or theft, or if there are 5 or more incidents within 6 months per box
1227 #9 of the form.

1228 (Ongoing.)

1229

1230 12 AAC 52.350

1231 The board addressed taking out the section requiring licensees to submit documentation that they
1232 have met all continuing education requirement. Ms. Carrillo stated that this is unnecessary given
1233 the random audits done at each renewal, and added that current regulation states the board staff
1234 will pull CE documentation on behalf of the licensee so long as it is verifiable in the CPE monitor,
1235 which staff has access to via the NABP eProfile. As with most states, it is the responsibility of the
1236 licensee to provide documentation upon being selected for an audit of CEs. The board initially
1237 agreed it should be the licensees' responsibility; however, Mr. Holm commented that the onus
1238 should be taken away from licensees and that board staff should pull the documents from CPE
1239 monitor as it indicates in current regulation. Ms. Carrillo said it can be more efficient if staff is
1240 pulling the CEs, but only if there is adequate staff available. Chair Holt agreed, stating it would
1241 work well if there are enough staff, but with one staff, this could be challenging and cause delays.
1242 Mr. Sanders commented that it could eliminate processing time since staff wouldn't have to wait
1243 for licensees to respond to audit letters and deal with the time it takes to receive and process
1244 incoming documents. The board continued to discuss this, acknowledging both the pros and cons,
1245 ultimately deciding to keep this section in as written.

1246

1247 12 AAC 52.250

1248 The board reviewed the existing regulation on job shadowing, which seems obsolete. Ms. Carrillo
1249 commented that the board never receives these documents; however, Mr. Holm said he
1250 occasionally sees these when college students are interested in job shadowing.

1251

1252 12 AAC 52.855

1253 The board discussed the timeframe for registering with the PDMP, stating that a 30-day grace
1254 period to register was reasonable. The authority to set a timeframe exists in AS 17.30.200(k)(3),
1255 and there is wide variation among boards in allowing licensees to register. For example, the board
1256 of nursing allows a 120-grace period, and the board of veterinary examiners allows a 180-grace
1257 period. The board of pharmacy set a 30-day grace period in March 2019.

1258

1259 12 AAC 52.620

1260 Currently, 12 AAC 52.620(d) doesn't say wholesalers have to verify purchasers of devices are
1261 properly licensed; it only specifies they must verify when the purchaser is purchasing prescription
1262 drugs. Chair Holt inquired whether it was the board's intent to exclude devices or whether devices
1263 should be added, to which Mr. Sanders stated it should be added.

1264

1265 Ms. Lindemuth indicated she needed to leave early as previously indicated to Ms. Carrillo ahead of
1266 time. Mr. Holt indicated he would be leaving to attend a Medicaid presentation.

1267

1268 *Tammy Lindemuth and Leif Holm left the meeting at 2:55 p.m.*

1269

1270 Off record at 3:00 p.m.

1271 On record at 3:09 p.m.

1272

1273 **Agenda Item 4 Budget report Time: 3:10 p.m.**
 1274 Ms. Carrillo provided the budget report as included in the board packet, which includes the
 1275 board’s revenue for the 1st and 2nd quarter of \$164,140. Ms. Carrillo reminded the board that since
 1276 they’re in a renewal year, this is expected to increase. Ms. Carrillo also informed the board there
 1277 was an estimated \$77,000 in revenue for pending applications for only the new license types: non-
 1278 resident wholesale drug distributors, outsourcing facilities, and third-party logistics providers. The
 1279 budget report also now includes a separate breakout for investigative costs, which includes
 1280 \$22,000 in investigative expenditures.

1281
 1282 **Agenda Item 12 Board Business Time: 3:24 p.m.**

1283
 1284 The board returned to discussing regulations, noting there needed to be a motion on the record.

1285
 1286 **On a motion duly made by Lana Bell to include all regulations discussed and agreed to be**
 1287 **compiled in one regulations packet to be sent to the regulations specialist for a 30-day**
 1288 **written public comment period, followed by an oral public hearing that will occur at the**
 1289 **board’s next meeting, seconded by Phil Sanders, and approved unanimously, it was:**

1290
 1291 **RESOLVED to compile a regulations project for all regulations discussed during**
 1292 **the February 6-7 meeting, and to provide an oral public hearing at the board’s next**
 1293 **meeting.**

	APPROVE	DENY	ABSTAIN	ABSENT
1295 Leif Holm				x
1296 Richard Holt	x			
1297 Phil Sanders	x			
1298 Lana Bell	x			
1299 Tammy Lindemuth				x
1300 James Henderson	x			
1301 Sharon Long				x

1302
 1303
 1304 The motion passed with no further discussion.

1305
 1306 **TASK 15**

1307 Chair Holt will forward the draft regulations packet and FAQs to Ms. Carrillo, who will then
 1308 forward the packet to the regulations specialist.

1309 *(Pending.)*

1310
 1311 Next meeting dates

- 1312 • May 7 and 8 – in Anchorage
- 1313 • August 13 and 14 – teleconference
- 1314 • November 5 and 6 – teleconference

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TASK 16

Laura will send out poll to Leif, Tammy, and Sharon to check their availability for the next meeting dates.

(Completed; Ms. Carrillo sent a poll via email on 02/15/2020; pending response.)

Agenda Item 4 Adjourn

Time: 3:28 p.m.

The board thanked Mr. Sanders for his time and dedication to the board, and adjourn at 3:28 p.m.

	05/15/2020
<hr/>	
Laura Carrillo, Executive Administrator	Date

	05/15/2020
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Richard Holt, Chair	Date