

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 DRAFT MINUTES OF THE EMERGENCY MEETING
8

9 November 18, 2021 Videoconference
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 via videoconference on
13 November 18, 2021. Due to the COVID-19 pandemic, in-person attendance was not
14 available.

15
16 Agenda Item 1 Call to Order/Roll Call Time: 9:01 a.m.
17

18 The November 18, 2021 videoconference was called to order by Chair, Dr. Ruffridge at 9:01 a.m.
19

20 Board members present, constituting a quorum:
21

22 Justin Ruffridge, PharmD #PHAP1787
23 Ashley Schaber, PharmD, #PHAP1697
24 Lana Bell, RPh #PHAP893 (joined at 10:02 a.m.)
25 James Henderson, RPh #PHAP1683
26 Tammy Lindemuth (joined at 10:02 a.m.)
27 Sharon Long
28

29 Division staff present:
30

31 Laura Carrillo, Executive Administrator
32 Heather Noe, Occupational Licensing Examiner
33 Lisa Sherrell, PDMP Manager
34 Sara Chambers, Division Director
35 Michael Bowles, Investigator
36 Marilyn Zimmerman, Paralegal
37

38 Members from the public present/registered:
39

40 Gretchen Glaspy, Alaska Pharmacists Association
41 Sheila Sinclair, Trilogy
42 Daniel Nelson, Self

- 43 Jessica Adams, Cardinal Health
- 44 Olga Brophy, Carrs/Safeway
- 45 Maimuna Bruce, Cardinal Health
- 46 Lorri Walmsley, Walgreens
- 47 Caren Robinson, AkPhA
- 48 Jennifer Adams, ISU
- 49 Samantha Chessie, N/A
- 50 Ryan Burke, PTCB
- 51 Lana Bell, BoP
- 52 Kevin McCabe, State House District 8
- 53 Sandy Taylor, Self
- 54 Angela Stephl, House of Representatives/Rep. McCabe
- 55 Bobbie Le, Pillpack
- 56 Coral Seaman
- 57 Shelley Tustison, Walmart
- 58 Ursula Chizhik, FLAVORx

60 **Agenda Item 2** **Review/Approve Agenda** **Time: 9:02 a.m.**

61

62 The board reviewed the meeting agenda. Ms. Carrillo informed the board the division
 63 report/budget update may be at 1:30 p.m. instead of 1:00 p.m. as initially scheduled. Dr. Ruffridge
 64 called for a motion.

65

66 **On a motion duly made by Sharon Long to approve the meeting agenda, seconded by**
 67 **Ashley Schaber, and approved unanimously, it was:**

68

69 **RESOLVED to accept the November 18, 2021 meeting agenda as written.**

	APPROVE	DENY	ABSTAIN	ABSENT
Justin Ruffridge	x			
Lana Bell				x
Tammy Lindemuth				x
James Henderson	x			
Ashley Schaber	x			
Leif Holm				x
Sharon Long	x			

79 The motion passed with no further discussion.

80

81

82 **Agenda Item 3** **Ethics Disclosures** **Time: 9:03 a.m.**

83 Dr. Schaber disclosed that she is a member of AKPhA and the Past-President (incl. Board
84 Member; By-Laws & Nominations Committee Chair) (through 2/22); Co-treasurer (through
85 2/22); and a member of the Legislative & Convention Committees.

86 .
87 **Agenda Item 4** **Review/Approve Minutes** **Time: 9:04 a.m.**
88

89 The board reviewed the draft September 23-24, 2021 meeting minutes.

90
91 **On a motion duly made by Sharon Long to approve the meeting agenda, seconded by**
92 **James Henderson, and approved unanimously, it was:**

93
94 **RESOLVED to accept the September 23-24th, 2021 meeting minutes as written.**
95

	APPROVE	DENY	ABSTAIN	ABSENT
96 Justin Ruffridge	x			
97 Lana Bell				x
98 Tammy Lindemuth				x
99 James Henderson	x			
100 Ashley Schaber	x			
101 Leif Holm				x
102 Sharon Long	x			

103 The motion passed with no further discussion.
104
105

106 **TASK 1**

107 Ms. Carrillo will send the approved minutes to Chair Ruffridge for signature and to the
108 publications unit for posting to the website.

109
110 **Agenda Item 5** **Investigative Report** **Time: 9:07 a.m.**
111

112 Investigator Bowles joined the meeting to present the board’s investigative report, which included
113 matters from September 10, 2021 through November 16, 2021. During this time, 22 matters
114 closed and 23 remain open.

115
116 **Agenda Item 6** **Board Business** **Time: 9:12 a.m.**
117

118 **Disciplinary Matrix**

119 Ms. Carrillo presented the draft disciplinary matrix she and Dr. Schaber began working on since
120 the board’s September meeting. Ms. Long expressed appreciation for the comprehensive work.
121 Ms. Carrillo noted there were overlaps in violation types, for example: unprofessional conduct
122 regulations in 12 AAC 52.920 also include matters related to fraud, negligence, and unlicensed
123 practice. Ms. Carrillo inquired how the board wished to organize and structure the matrix. The

124 board agreed each potential violation category could be its own subcategory with a specified
125 action.

126
127 Dr. Schaber emphasized the need to align unprofessional conduct language with the medical
128 board as pharmacists move to become recognized as providers. On fine amounts, Dr. Ruffridge
129 suggested an amount per day the licensee is in potential violation of the statute or regulation.

130
131 The board discussed prohibited use of certain language and symbols, such as “Rx” and
132 “apothecary.” The board contemplated what powers they hold to restrict, for example, grocery
133 stores from selling health food bars, like the Rx Bar, without a pharmacy license. While the board
134 agreed legal guidance would provide clarity, it was ultimately agreed the matter could be pursued
135 further in the event a complaint of this nature is received.

136

137 Continuing Education Disciplinary Matrix

138 Paralegal, Marilyn Zimmerman, joined the board to discuss the continuing education disciplinary
139 matrix that has been in existence for several years. Ms. Zimmerman recommended there be
140 consistency in the matrix and that fine amounts align with the severity of the discipline. Ms.
141 Zimmerman also explained that as currently written, the level of effort to research non-
142 compliance matters, communicate with the licensee, and draft reprimand and consent
143 documentation, often exceeds the outcome discipline when it results in \$2,500 suspended and a
144 fine of \$25.00. The board agreed and discussed potential amendments to this matrix.

145
146 Dr. Ruffridge believes that continuing education is an incredibly important aspect of being
147 licensed to perform patient care at a high level; the requirement to obtain these hours is not
148 unreasonable or a difficult task. Dr. Ruffridge further suggested setting a base fine amount, stating
149 it may be a motivating factor for licensees to complete their hours because there will be the same
150 fine regardless of whether they missed 2 hours or 9 hours. Mr. Henderson agreed, adding there
151 should be an additional fine amount for each hour per unit missed. Dr. Schaber also agreed,
152 emphasizing the importance of distinguishing fine amounts between pharmacists and pharmacy
153 technicians. Dr. Ruffridge suggested a base fine of \$500 for pharmacists, plus \$100 - \$200 per
154 credit hour missed. Ms. Lindemuth and Ms. Long suggested lower, but proportionate, amounts
155 for pharmacy technicians.

156
157 **On a motion duly made by Ashley Schaber to implement a continuing education base fine**
158 **for pharmacists at \$500, \$100 for each credit hour missed, two mandatory audits, a consent**
159 **agreement and reprimand, and for a pharmacy technician, a \$125 base fine, \$25 for each**
160 **credit hour missed, two mandatory audits, a consent agreement and reprimand, seconded**
161 **by James Henderson, and approved unanimously, it was:**

162

163 **RESOLVED to amend the continuing education disciplinary matrix by**
164 **implementing base fines, per credit hour fines, mandatory audits, consent**
165 **agreements, and reprimands for pharmacists and pharmacy technicians who fail to**
166 **meet continuing education requirements.**

	APPROVE	DENY	ABSTAIN	ABSENT
167				
168	Justin Ruffridge	x		
169	Lana Bell	x		
170	Tammy Lindemuth	x		
171	James Henderson	x		
172	Ashley Schaber	x		
173	Leif Holm			x
174	Sharon Long	x		

175 The motion passed with no further discussion, however, Dr. Ruffridge suggested sending a notice
 176 through the ListService regarding this change.

177

178 **TASK 2**

179 Ms. Carrillo and Dr. Schaber will continue to work on the board’s draft disciplinary matrix and will
 180 provide an update during its February 17-18, 2022 meeting.

181

182 **TASK 3**

183 Ms. Carrillo will send a notice through the ListServ with the board’s update to its continuing
 184 education disciplinary matrix.

185

186 Application Review

187 The board had several tabled applications to discuss, including for regular licenses and emergency
 188 permits, and one request to approve an alternative continuing education schedule.

189

190 **On a motion duly made by Justin Ruffridge to table the pharmacist application for**
 191 **Zachary Brown, #147445, seconded by Tammy Lindemuth, and approved unanimously, it**
 192 **was:**

193 **RESOLVED to table the pharmacist application for Zachary Brown.**

194

	APPROVE	DENY	ABSTAIN	ABSENT
195				
196	Justin Ruffridge	x		
197	Lana Bell	x		
198	Tammy Lindemuth	x		
199	James Henderson	x		
200	Ashley Schaber	x		
201	Leif Holm			x
202	Sharon Long	x		

203 The motion passed with no further discussion.

204

205 **TASK 4**

206 Ms. Carrillo will update Mr. Brown to inform him of his tabled application.

207

208 On a motion duly made by Justin Ruffridge in accordance with AS 44.62.310(c)(2), and
 209 seconded by James Henderson, the board unanimously moved to enter executive session
 210 for the purpose of discussing subjects that tend to prejudice the reputation and character
 211 of any person, provided the person may request a public discussion.
 212

213 **RESOLVED** to enter into executive session in accordance with AS 44.62.310(c)(2).
 214 Staff, Michael Bowles and Laura Carrillo were authorized to remain in the room.
 215

	APPROVE	DENY	ABSTAIN	ABSENT
216 Justin Ruffridge	x			
217 Lana Bell	x			
218 Tammy Lindemuth	x			
219 James Henderson	x			
220 Ashley Schaber	x			
221 Leif Holm				x
222 Sharon Long	x			

223 The motion passed with no further discussion.
 224
 225

226 *Off record at 10:30 a.m.*

227 *On record at 10:50 a.m.*
 228

229 Upon return from executive session, Chair Ruffridge clarified that no motions were made during
 230 executive session.
 231

232 On a motion duly made by Ashley Schaber to deny the emergency pharmacist permit
 233 application for Katherine Ro #186368 per 12 AAC 52.110 as it is not possible to determine
 234 the emergency, seconded by Tammy Lindemuth, and denied unanimously, it was:
 235

236 **RESOLVED** to deny the emergency pharmacist permit for Katherine Ro per 12
 237 AAC 52.110.
 238

	APPROVE	DENY	ABSTAIN	ABSENT
239 Justin Ruffridge	x			
240 Lana Bell	x			
241 Tammy Lindemuth	x			
242 James Henderson	x			
243 Ashley Schaber	x			
244 Leif Holm				x
245 Sharon Long	x			

246 The motion passed with further discussion. Dr. Ruffridge added that while there may not be an
 247 emergency, it is encouraged the applicant apply for the regular pharmacist license.
 248

249 On a motion duly made by Ashley Schaber to deny the emergency pharmacy technician
 250 permit application for Elaine Lam #186146 per 12 AAC 52.110 as it is not possible to
 251 determine the emergency, seconded by Tammy Lindemuth, and denied unanimously, it
 252 was:

253 **RESOLVED** to deny the emergency pharmacy technician permit for Elaine Lam
 254 per 12 AAC 52.110.

	APPROVE	DENY	ABSTAIN	ABSENT
257 Justin Ruffridge	x			
258 Lana Bell	x			
259 Tammy Lindemuth				x
260 James Henderson	x			
261 Ashley Schaber	x			
262 Leif Holm				x
263 Sharon Long				x

264 The motion passed with no further discussion.

266 On a motion duly made by Ashley Schaber to deny the emergency pharmacy technician
 267 permit application for Elizabeth Bonilla #186142 per 12 AAC 52.110 as it is not possible to
 268 determine the emergency, seconded by Tammy Lindemuth, and denied unanimously, it
 269 was:

271 **RESOLVED** to deny the emergency pharmacy technician permit for Elizabeth
 272 Bonilla per 12 AAC 52.110.

	APPROVE	DENY	ABSTAIN	ABSENT
275 Justin Ruffridge	x			
276 Lana Bell	x			
277 Tammy Lindemuth	x			
278 James Henderson	x			
279 Ashley Schaber	x			
280 Leif Holm				x
281 Sharon Long	x			

282 The motion passed with no further discussion.

284 On a motion duly made by Ashley Schaber to deny the emergency pharmacy technician
 285 permit application for Madiha Ghaznavi #186193 per 12 AAC 52.110 as it is not possible to
 286 determine the emergency, seconded by Tammy Lindemuth, and denied unanimously, it
 287 was:

288

289 **RESOLVED** to deny the emergency pharmacy technician permit for Madiha
 290 Ghaznavi per 12 AAC 52.110.

	APPROVE	DENY	ABSTAIN	ABSENT
292				
293	Justin Ruffridge	x		
294	Lana Bell	x		
295	Tammy Lindemuth	x		
296	James Henderson	x		
297	Ashley Schaber	x		
298	Leif Holm			x
299	Sharon Long	x		

300 The motion passed with no further discussion.

301
 302 **On a motion duly made by Ashley Schaber to deny the emergency pharmacy technician**
 303 **permit application for Marlene Rivas #186152 per 12 AAC 52.110 as it is not possible to**
 304 **determine the emergency, seconded by Tammy Lindemuth, and denied unanimously, it**
 305 **was:**

306 **RESOLVED** to deny the emergency pharmacy technician permit for Marlene Rivas
 307 per 12 AAC 52.110.

	APPROVE	DENY	ABSTAIN	ABSENT
309				
310	Justin Ruffridge	x		
311	Lana Bell	x		
312	Tammy Lindemuth	x		
313	James Henderson	x		
314	Ashley Schaber	x		
315	Leif Holm			x
316	Sharon Long	x		

317 The motion passed with no further discussion.

318
 319 **On a motion duly made by Ashley Schaber to deny the emergency pharmacy technician**
 320 **permit application for Senti Seminjuntak #186314 per 12 AAC 52.110 as it is not possible to**
 321 **determine the emergency, seconded by Tammy Lindemuth, and denied unanimously, it**
 322 **was:**

323
 324 **RESOLVED** to deny the emergency pharmacy technician permit for Senti
 325 Seminjuntak per 12 AAC 52.110.

	APPROVE	DENY	ABSTAIN	ABSENT
327				
328	Justin Ruffridge	x		

329	Lana Bell	x		
330	Tammy Lindemuth	x		
331	James Henderson	x		
332	Ashley Schaber	x		
333	Leif Holm			x
334	Sharon Long	x		

335 The motion passed with no further discussion.

336

337 **TASK 5**

338 Ms. Carrillo will send a copy of the emergency permit denial motions to Investigator Bowles.

339

340 **On a motion duly made by James Henderson to approve the request for approval of an**
 341 **alternative continuing education schedule under 12 AAC 52.330 for licensee #154661,**
 342 **seconded by Sharon Long, and approved unanimously, it was:**

343

344 **RESOLVED to approve the alternative schedule for continuing education for**
 345 **#154661.**

346

347		APPROVE	DENY	ABSTAIN	ABSENT
348	Justin Ruffridge	x			
349	Lana Bell	x			
350	Tammy Lindemuth	x			
351	James Henderson	x			
352	Ashley Schaber	x			
353	Leif Holm				x
354	Sharon Long	x			

355 The motion passed with no further discussion.

356

357 **TASK 6**

358 Ms. Carrillo will process the application for #154661 per approval of request for an alternative
 359 continuing education schedule.

360

361 Renewal Review/Approval Process for “Yes” Responses

362 Ms. Carrillo addressed this document relating to supervisory review and investigative referral of
 363 potential non-compliance matters. Ms. Carrillo explained the board had previously approved an
 364 earlier iteration during its August meeting, but that the policy on which it was based had recently
 365 been updated such that the language now applies to facilities in addition to individuals. The
 366 previous referral procedure required as a result of licensees providing an affirmative response to
 367 any of the professional fitness questions applied clearly to individuals, but not to pharmacies and
 368 facilities, e.g.: outsourcing facilities and third-party logistics providers.

369

370 On a motion duly made by Tammy Lindemuth to approve the updated iteration to the
 371 *Renewal Review/Approval Process for Professional Fitness Responses*, seconded by
 372 James Henderson, and approved unanimously, it was:

373
 374 **RESOLVED** to approve the *Renewal Review/Approval Process for Professional*
 375 *Fitness Responses* as amended.
 376

	APPROVE	DENY	ABSTAIN	ABSENT
377 Justin Ruffridge	x			
378 Lana Bell	x			
379 Tammy Lindemuth	x			
380 James Henderson	x			
381 Ashley Schaber	x			
382 Leif Holm				x
383 Sharon Long	x			

384 The motion passed with no further discussion.
 385
 386
 387

388 **TASK 7**

389 Ms. Carrillo will file the final version of the *Renewal Review/Approval Process for Professional*
 390 *Fitness Responses* for reference during the renewal cycle.
 391

392 Review of Lost/Stolen Rx

393 The board reviewed DEA 106 forms for CARRS Pharmacy, Mat-Su Medical Center, and Safeway
 394 Pharmacy #1820.
 395

396 Legislation Lead

397 With legislative session imminent, Ms. Carrillo asked the board to identify a legislative lead for
 398 pharmacy-related matters the board may have to testify on. Dr. Ruffridge was the board's previous
 399 lead and expressed interest in continuing. Dr. Schaber volunteered as a back-up contact.
 400

401 On a motion duly made by Lana Bell to designate Justin Ruffridge as lead legislative
 402 contact for the board and Ashley Schaber as its secondary contact, it was:

403
 404 **RESOLVED** to appoint Justin Ruffridge and Ashley Schaber as the board's
 405 legislative leads.
 406

	APPROVE	DENY	ABSTAIN	ABSENT
407 Justin Ruffridge	x			
408 Lana Bell	x			
409 Tammy Lindemuth	x			

410

455

456 Letter to the board re: ivermectin

457 The board first reviewed a confidential letter from an individual regarding concerns about
458 pharmacists refusing to fill certain medications as prescribed by their doctor. Dr. Ruffridge stated
459 that ivermectin has become a moderately political issue and contemplated a response to the letter,
460 and for which Ms. Lindemuth strongly advised there to be one. Dr. Ruffridge addressed the
461 construction of obstacles as a result of refusals to fill, adding it may be an opportunity to explain,
462 as attempted in the board's recent joint letter, that pharmacists have an obligation to review
463 prescriptions and not fill them if the strength or supply day is deemed unsafe. Dr. Ruffridge
464 recalled from previous public comments there was a hope the board of pharmacy would mandate
465 that all pharmacists dispense every prescription a doctor orders, which is not a reasonable move;
466 however, if there were a response from the board, it should be one to educate the individual on
467 the pharmacy's ability to deny prescriptions.

468

469 Ms. Lindemuth reiterated her opinion that this is an important issue and where there is a
470 misunderstanding, it is appropriate individuals be given clarity. Ms. Long added that doctors and
471 patients have a relationship that must be respected and that there has been concern from patients
472 that when pharmacists deny prescriptions, they are effectively practicing medicine without a
473 license. Ms. Long reiterated the importance for pharmacists to make the effort to call prescribers
474 before refusing to fill prescriptions. Dr. Ruffridge agrees there is a degree of trust for patients and
475 prescribers, but still in many cases and even at the highest level of the courts, pharmacists have a
476 legal corresponding responsibility.

477

478 Ultimately, the board wished to respond to the individual's concern.

479

480 DEA Notice of Proposed Rule Making: Telepharmacy

481 The DEA proposes regulations for controlled substances prescribed electronically and dispensed
482 by a telepharmacy system. The proposed rulemaking is to consider creating a special or modified
483 telepharmacy registration. Comments to the proposed rule making are due January 18, 2022.

484

485 NABP - .Pharmacy Initiative for Online Pharmacies

486 The NABP's .Pharmacy verified program verifies safe online pharmacies. At present, 33 state
487 boards and colleges of pharmacy are participating in this program. Alaska has not yet participated.

488

489 Arkansas Correspondence Re: Monoclonal Antibodies

490 The Arkansas Board of Pharmacy is collaborating with their Dept. of Health and State
491 Pharmacists Association on monoclonal antibodies, which are considered passive immunization
492 treatments that fall under the ability for pharmacists to order. Dr. Ruffridge inquired about the
493 legal request on pharmacists' ability to independently order and administer therapeutics. Ms.
494 Carrillo stated guidance was provided that the PREP Act preempts any state limitations on
495 providing treatments. Dr. Ruffridge requested clarification specifically on monoclonal antibodies.

496

497 **TASK 9**

498 Ms. Carrillo will draft a response to the individual who wrote with concerns that pharmacists are
499 refusing medications to help treat COVID-19. Ms. Carrillo will then send it to the board for their
500 review/approval.

501

502 **TASK 10**

503 Ms. Carrillo will follow-up with DOL on whether pharmacists can independently order and
504 administer monoclonal antibodies under the PREP Act.

505

506 Chair Ruffridge called for lunch at 12:02 p.m.

507

508 *Off record at 12:02 p.m.*

509 *On record at 12:40 p.m.*

510

511 **Agenda Item #10** **Subcommittee Updates** **Time: 12:40 p.m.**

512

513 Controlled Substances Advisory Subcommittee

514 Ms. Lindemuth provided an update on the CSAC; the committee is continuing to discuss
515 gabapentin, marijuana, mitragynine, and kratom. With regards to marijuana, there are some
516 discrepancies in the definition of ‘cannabis’, specifically around the amounts of THC in it, which
517 impacts law enforcement activity. The CSAC is contemplating whether to bring the attention to
518 the Governor or to the Marijuana and Alcohol Control Board. Gabapentin is still being discussed
519 as a schedule Va. Dr. Ruffridge inquired what the purpose of the scheduling is, to which Ms.
520 Lindemuth clarified it is to benefit law enforcement. Scheduling the mitragynine as a IIIa would
521 make its distribution of a felony so that law enforcement can prosecute.

522

523 **Agenda Item #11** **Profession Updates** **12:50 p.m.**

524

525 Alaska Pharmacists Association

526 Gretchen Glaspy shared that the combined position for the executive director for the AKPhA and
527 UAA contact is still in recruitment. The annual convention is scheduled for February 11 – 13,
528 2022, in-person at the Anchorage Hilton. Applications for the Bowl of Hygia Award will be
529 accepted through 12/01/2021 and there are additional seats available to apply for.

530

531 **Agenda Item #10** **Subcommittee Updates** **12:55 p.m.**

532

533 Hearing nothing further for profession updates, the board of pharmacy returned to subcommittee
534 updates.

535

536 Healthcare Board Chairs

537 Dr. Ruffridge stated the chairs group is continuing to meet bi-weekly. One area of discussion are
538 the division-wide vacancies, which speaks to earlier concern during public comment around staff
539 response time. The group continues to discuss treatment and prevention of COVID-19.

540 PDMP Board Chairs
541 Dr. Ruffridge highlighted the PDMP board chairs' current goal to move towards a unified
542 agreement for which to prioritize investigative efforts. The uniform agreement is intended to
543 standardize amongst the 6 affected licensing boards certain prescribing and dispensing practices
544 that may be unsafe, including medication strength, dangerous combinations, multiple provider
545 episodes, etc. Dr. Ruffridge stated this is a combined effort and the group continues to meet
546 biweekly.

547
548 **Agenda Item #13** **Regulations** **Time: 1:00 p.m.**
549

550 Chair Ruffridge moved to discussing regulations. Ms. Carrillo explained that the intent to pursue
551 document is to provide a guide on future regulatory discussions and is to serve as a prompt for the
552 board to clarify whether it wishes to continue looking into certain regulatory areas, including: drug
553 takeback programs, refill of controlled substances, medical examiner/coroner access, and the
554 .pharmacy verified website program.

555
556 New Regulations: Automated distribution kiosks

557 The board inquired whether pharmacies are currently able to install distribution kiosks. Ms.
558 Carrillo recalled DOL indicated it is within their purview to regulate. Dr. Rich Holt, who drafted
559 the language, was on the line and clarified that the DOL stated pharmacies cannot do this
560 currently unless it is written into regulation. Dr. Holt emphasized the distinction between
561 distribution kiosks and dispensing kiosks; distribution kiosks are what the board could regulate
562 without a statute change. Dr. Holt also proposed amendments to 12 AAC 52.420 to incorporate
563 security measures around them. Dr. Schaber stated that as the draft is written, the kiosk would be
564 required to be physically located at a pharmacy in Alaska, suggesting this may be an appropriate
565 route to go if out-of-state pharmacies are trying to expand their services. Mr. Henderson agreed it
566 was a matter worth pursuing. The board ultimately agreed to continue pursuing this matter.

567
568 New Regulations: Refill of controlled substances (12 AAC 52.270)

569 As written, 12 AAC 52.270(d)(2) includes imitating language around refills of controlled
570 substances. Dr. Ruffridge stated this is not necessary because 75 CFR Sec. 1306.22 under the
571 DEA already has language around refills of controlled substances. Ruffridge stated that it is
572 redundant to the federal rule; (d)(2) is limiting the ability for patients to receive refills on federally
573 scheduled controlled substances and suggested rewording to the language. Mr. Henderson
574 suggested simplifying the amendment by repealing the subsection altogether.

575
576 **On a motion duly made by James Henderson to remove section 12 AAC 52.470(d)(2) on**
577 **refills, “the drug is not a federal or state scheduled controlled substance.”, seconded by**
578 **Tammy Lindemuth, and approved unanimously, it was:**

579
580 **RESOLVED to strike 12 AAC 52.470(d)(2).**
581

582	APPROVE	DENY	ABSTAIN	ABSENT
-----	---------	------	---------	--------

583	Justin Ruffridge	x	
584	Lana Bell	x	
585	Tammy Lindemuth	x	
586	James Henderson	x	
587	Ashley Schaber	x	
588	Leif Holm		x
589	Sharon Long	x	

590 The motion passed with no further discussion.

591

592 **TASK 11**

593 Ms. Carrillo will add automated distribution kiosks to the board’s next agenda for February 17-18,
594 2022.

595

596 **TASK 12**

597 Ms. Carrillo will forward the regulation amendments striking 12 AAC 52.470(d)(2) to the division’s
598 regulations specialist.

599

600 **Agenda Item #12** **Budget Report/Division Update** **Time: 1:30 p.m.**

601

602 Director Chambers explained the timing of having 4th quarter reports available between late
603 October – mid November when the coverage is from April to June. This is because it takes time
604 for year-end reconciliation of systems, documents, receipts, invoices, and payables to close out
605 during a re-appropriation period in October and be reported on before the new fiscal year begins
606 July 1. Director Chambers pointed to the biennium trend, which shows increased revenue for the
607 two-year life of a license since FY14. Ms. Chambers observed the difference between non-renewal
608 year license fees received in FY21 (\$1,121,447) compared to FY19 (\$213,770), noting the \$900,000
609 difference. Ms. Carrillo stated the renewal year was extended through the end of September, which
610 may explain the influx in revenue. The board’s total revenue for the biennium is \$1,752,552.

611

612 Direction Chambers directed the board to investigative expenditures, which is usually where
613 volatility lies. This is now broken down into non-investigative expenditures and investigative
614 expenditures. Non-investigative expenditures include staff time, travel, services, commodities, and
615 capital outlay. Investigative expenditures increased drastically between FY19 and FY21. Ms.
616 Carrillo stated this may be due to new facility license types referred to the investigative unit for
617 potential change violations at the time of the extended renewal.

618

619 Dr. Ruffridge recalled from the last meeting the division’s fee analysis and recommended fee
620 changes. Looking at the board’s surplus of \$368,000 and how it compares to similarly operating
621 programs like medical and nursing, where their surplus exceeds \$1.1 million, Dr. Ruffridge
622 commented the board’s smaller surplus may not be stable over time and that it should avoid roller
623 coaster fee changes. Director Chambers agreed and the board began discussing potential fee
624 changes.

625 Dr. Ruffridge reiterated the board’s interest in reducing the technician application and license fees
 626 because the cost may deter individuals from obtaining or renewing their license. Dr. Ruffridge
 627 noted that the application fee in 12 AAC 52.310(a)(1) applies to all license categories, including
 628 technicians, but suggested it could be reduced to zero to encourage more applicants to enter that
 629 career path. Dr. Schaber agreed, acknowledging cost is a barrier for technicians. Director
 630 Chambers acknowledged the board’s intent to only reduce to zero the fee in (a)(1) for technicians
 631 and clarified she will ultimately approve the amendment since it is in centralized regulations. Mr.
 632 Henderson then suggested reducing fees for pharmacists and drug rooms. Ms. Long agreed with
 633 fee reductions.

New Pharmacist License	200	117	23,400	(\$100)	100
Renew Pharmacist License	200	1,059	211,800	(\$100)	100
New Wholesale Drug Distributor License	500	1	500		500
Renew Wholesale Drug Distributor License	500	15	7,500		500
New Pharmacy License	200	19	3,800		200
Renew Pharmacy License	200	132	26,400		200
New Drug Room License	200	10	2,000	(\$50)	150
Renew Drug Room License	200	41	8,200	(\$50)	150
Out of state Pharmacy	600	281	168,600		600
Renew Out of state Pharmacy	600	640	384,000		600
New Pharmacy Technician License	50	488	24,400	(\$25)	25
Renew Pharmacy Technician License	50	1,309	65,450	(\$25)	25

643
 644 **On a motion duly made by James Henderson to reduce the \$200 initial pharmacist**
 645 **licensee fee by \$100 to be \$100, the \$200 pharmacist renewal fee by \$100 to be \$100, the**
 646 **\$200 initial drug room license fee by \$50 to be \$150, the \$200 renewal drug room license fee**
 647 **by \$50 to be \$150, the \$100 initial pharmacy technician application fee to \$0, the \$50 initial**
 648 **pharmacy technician license fee by \$25 to be \$25, and the \$50 pharmacy technician**
 649 **renewal fee by \$25 to be \$25, seconded by Sharon Long, and approved unanimously, it**
 650 **was:**

651
 652 **RESOLVED to accept the fee reductions for pharmacists, drug rooms, and**
 653 **pharmacy technicians.**

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm				X
Ashley Schaber	X			
Justin Ruffridge	X			
Lana Bell	X			
Tammy Lindemuth				X
James Henderson	X			
Sharon Long				X

663 The motion passed with no further discussion.

664
 665 **TASK 13**

666 Ms. Carrillo will forward the board's motion and minutes excerpt on fee reductions to the
667 regulations specialist.

668
669 Chair Ruffridge called for break at 2:40 p.m.

670
671 *Off record at 2:40 p.m.*

672 *On record at 2:52 p.m.*

673
674 **Agenda Item #13** **Regulations** **Time: 1:00 p.m.**

675
676 New Regulations: Drug takeback programs (uncodified)

677 Ms. Carrillo stated DOL clarified the board could pursue drug takeback programs in regulation
678 and develop a requirement for pharmacies to notify the board when they become a receptacle site.
679 Dr. Ruffridge stated the process to obtain a receptacle registration under the DEA is already a
680 cumbersome and onerous process. Since it is already highly regulated by the DEA, Dr. Ruffridge
681 suggested there may not be a need to regulate this at the state level. Mr. Henderson agreed.

682
683 **TASK 14**

684 Ms. Carrillo will remove drug takeback programs as a future agenda item.

685
686 New Regulations: Medical examiner/coroner access to PDMP (uncodified)

687 Ms. Carrillo stated the proposed language as included in the board packet was suggested by DOL
688 after a recent inquiry around whether medicolegal investigators can have access to the data on
689 behalf of a medical examiner/coroner (ME/C). Guidance was previously provided in 2018 that
690 delegates of ME/Cs could have access; however, it was more recently determined that medicolegal
691 investigators specifically cannot have access because their scope is to determine jurisdiction,
692 whereas ME/C access is permitted only to determine the manner and cause of death. Dr.
693 Ruffridge agreed the proposed language was straight forward and that this could be pursued.

694
695 New Regulations: NAPBP's .Pharmacy and VIPPS programs

696 Ms. Carrillo clarified the .Pharmacy and VIPPS program would fall under statute changes since
697 online pharmacies are located outside of the state; to *license* out-of-state pharmacies requires a
698 statute change to update the registration category. Dr. Ruffridge expressed support for pursuing
699 this change statutorily, stating it is the wave of the future. Mr. Henderson also agreed this is an
700 area the board needs to regulate.

701
702 Ms. Carrillo suggested gathering information on the number of pharmacies currently offering
703 online services so that the board has some data to pull from when seeking legislation in the future.
704 Dr. Ruffridge also recommended having a representative from the NABP attend a board meeting
705 to present on their .Pharmacy and VIPPS programs.

706
707 **TASK 15**

708 Ms. Carrillo will track the number of pharmacies providing internet services at the time of the next
709 renewal.

710
711

712 **TASK 16**

713 Ms. Carrillo will reach out to the NABP to invite a representative to discuss the .Pharmacy and
714 VIPPS program with the board during its February 17-18, 2022 meeting.

715

716 PDMP Regulations: (adopt 12 AAC 52.855 - .857 amendments)

717 The board reviewed the proposed changes to 12 AAC 52.855, 12 AAC 52.856, and 12 AAC
718 52.857 as publicly noticed and included in the board packet.

719

720 **On a motion duly made by James Henderson to adopt the changes to 12 AAC 52.855 – 12**
721 **AAC 52.857 as publicly noticed, seconded by Tammy Lindemuth, and approved**
722 **unanimously, it was:**

723

724 **RESOLVED to adopt 12 AAC 52.855 – 12 AAC 52.857.**

725

	APPROVE	DENY	ABSTAIN	ABSENT
726 Justin Ruffridge	x			
727 Lana Bell	x			
728 Tammy Lindemuth	x			
729 James Henderson	x			
730 Ashley Schaber	x			
731 Leif Holm				x
732 Sharon Long	x			

733 The motion passed with no further discussion.

734

735 **TASK 17**

736 Ms. Carrillo will sign the certification order and affidavit of board action for adopted changes to
737 12 AAC 52.855 – 12 AAC 52.857.

738

739 Part III PDMP Regulations: Third-party vendors

740 Ms. Carrillo summarized the proposed amended to 12 AAC 52.865 (reporting and reviewing
741 PDMP information) which includes verbiage on PIC reporting to the PDMP on behalf of the
742 employing pharmacy. The proposal introduces the term, “third-party vendor” as an authorized
743 reporter for both pharmacies and prescribers. It also outlines the requirements for when zero
744 reports must be submitted.

745

746 Part III PDMP Regulations: Veterinary reporting

747 Ms. Carrillo explained the additional section on reporting of veterinary prescription data using
748 current ASAP format aligns with the board of veterinary examiner’s recent discussions on
749

750 reporting. Ms. Sherrell shared with the board that she was recently with a veterinary TTAC group
 751 and it seems most states already have the standards built into their reporting systems versus
 752 looking at multiple screens for the information. Dr. Ruffridge explained pharmacy software
 753 systems are different; some are more stringent where you have one screen with owner information
 754 and a separate screen with the animal information; and others where you could simply add the first
 755 name of the animal, last name, and date of birth of the owner on one screen. Dr. Ruffridge stated
 756 it would be of interest to know how many systems differ. Ms. Carrillo commented that at the time
 757 mandatory registration was rolling out, there may not have been messaging to clearly articulate to
 758 pharmacies the reporting standards that must be included so that the fields required for review
 759 correlate to the data that's reported.

760
 761 Part III PDMP Regulations: 42 CFR Part 2

762 Ms. Carrillo summarized the proposed changes to 12 AAC 52.865 relating to required reporting of
 763 substance use disorder (SUD) treatment to the PDMP, explaining DOL advised that the board is
 764 required to adopt regulations. Ms. Carrillo explained that while the data must be reported,
 765 prescribers must first obtain the patient's consent. Data reported to the PDMP effectively makes
 766 the database a lawful holder of data, which places additional requirements to comply with federal
 767 law.

768
 769 Part III PDMP Regulations: Audit of PDMP compliance

770 Ms. Carrillo explained that this section introduces new audit authority for the board to periodically
 771 review, at the time of license renewal, compliance with registration and reporting requirements.

772
 773 **On a motion duly made by Ashley Schaber to approve the proposed amendments to 12**
 774 **AAC 52.860, 12 AAC 52.865, and new audit regulations in 12 AAC 02, seconded by Tammy**
 775 **Lindemuth, and approved unanimously, it was:**

776
 777 **RESOLVED to approve proposed amendments to reporting of PDMP information**
 778 **and compliance auditing.**

	APPROVE	DENY	ABSTAIN	ABSENT
780 Justin Ruffridge	x			
781 Lana Bell	x			
782 Tammy Lindemuth	x			
783 James Henderson	x			
784 Ashley Schaber	x			
785 Leif Holm				x
786 Sharon Long	x			

787
 788 The motion passed with no further discussion.

789
 790 **TASK 18**

791 Ms. Carrillo will submit part III PDMP regulations to the regulation specialist for DOL review
792 and public comment.

793
794 Military Regulations

795 Ms. Carrillo stated the military and emergency permit language was sent to the publications
796 specialist for DOL review in late September, but there is no recent update to provide.

797
798 Other

799 Dr. Ruffridge stated the board of Board of Nursing regulation, 12 AAC 44.440, regarding
800 removing the requirement to provide APRN credentials on a prescription order was ready for
801 adoption as of 11/03/2021. Dr. Ruffridge also stated the Medical Board's update to 12 AAC
802 40.983 dealing with cooperative practice agreements took effect on 11/18/2021.

803
804 **TASK 19**

805 Ms. Carrillo will create a joint cooperative practice form for use by physicians and pharmacists and
806 will create a checklist and process to endorse cooperative practice applications after approval by
807 the State Medical Board.

808
809 **TASK 20**

810 Ms. Carrillo will share the draft documents with the Medical Board's EA, Natalie Norberg, to
811 finalize the cooperative practice application, checklist, and policy/procedure. Ms. Carrillo will then
812 provide an update to the board on this at its February 17-18, 2022 meeting.

813
814
815 **Agenda Item #13** Statutes **Time: 2:48 p.m.**

816
817 White/brown bagging

818 The board discussed white/brown bagging and reviewed the draft written by the AKPhA's
819 legislative group. Dr. Ruffridge expressed this being an area where the board should support the
820 association's efforts on, as other states are doing. Dr. Schaber reiterated the issues these practices
821 are creating with out-of-state pharmacies, particularly in the infusion setting where insurance
822 companies are requiring expensive specialty medications to be filled and sent to non-resident
823 pharmacies and then compounded by that pharmacy and dispensed to that patient—a white
824 bagging practice. Some insurance companies are requiring medication to be shipped directly to the
825 patient and then administered at the infusion pharmacy, which is brown-bagging. Dr. Schaber
826 explained that medications being filled at specialty pharmacies outside of the state are not always
827 in the best interest of the patient.

828
829 Dr. Schaber asked for a follow-up on the board's legal opinion request on white/brown bagging.
830 Dr. Ruffridge recalled it had to do with whether regulating the practice fell within the board's
831 purview or whether it was entirely a Division of Insurance matter. Ms. Carrillo stated the request
832 was submitted after the September meeting but that she will request a follow-up.

833

834 **TASK 21**

835 Ms. Carrillo will follow up on the DOL request regarding white/brown bagging.

836
837 Technicians with national certification
838 Dr. Ruffridge stated it would be ideal for the AKPhA to add technician national certification to
839 their expansion bill, HB 145, adding it should be recognized that as pharmacists take on more and
840 more, as do technicians. Dr. Schaber agreed and stated recognizing this as a separate license
841 category would align with what other states are doing. Mr. Henderson supports this.
842

843 **On a motion duly made by Justin Ruffridge to support legislative pursuits of adding**
844 **pharmacy technicians with national certification as a separate license category in order to**
845 **regulate, support, and promote technicians obtaining additional education to become**
846 **certified, seconded by Sharon Long, and approved unanimously, it was:**

847
848 **RESOLVED to support legislative efforts to create a separate license category for**
849 **pharmacy technicians with national certification.**

	APPROVE	DENY	ABSTAIN	ABSENT
851 Justin Ruffridge	x			
852 Lana Bell	x			
853 Tammy Lindemuth	x			
854 James Henderson	x			
855 Ashley Schaber	x			
856 Leif Holm				x
857 Sharon Long	x			

858 The motion passed with no further discussion.

859
860 **Agenda Item #15** **Public Comment #2** **Time: 2:48 p.m.**

861 Sandy Taylor:
862
863 Ms. Taylor asked for clarification on how CMS affects mail order prescriptions, stating under her
864 plan, she’s not able to take her prescription to a local pharmacy. Dr. Ruffridge responded, stating
865 it ties to the issue of white bagging, a patient choice issue that mandates patients receive their
866 medications out-of-state, but that since CMS is not within the jurisdiction of states to regulate, it is
867 hard to answer.
868

869 Coral Seaman:
870 Ms. Seaman stated it is important pharmacies are diligent about performing drug interaction
871 screenings and understanding pharmacogenetics, how different genes affect’s the body’s response
872 to certain medications. Ms. Seaman also expressed concern about positive ID requirements at the
873 time of patient prescription pickup and about mail order drugs arriving in the mail inconsistent
874 with temperature requirements.
875

876 **Agenda Item #13** Regulations **Time: 4:15 p.m.**
877
878 New Regulations: Pharmacists-in-charge
879 Dr. Ruffridge returned to regulations to discuss pharmacist-in-charge requirements and
880 limitations, including the length of time a PIC must be physically present, whether a pharmacy can
881 be in charge of two or more pharmacies at the same time, mandatory breaks, tech-to-pharmacist
882 ratios, and script count per day per pharmacists.

883
884 Dr. Schaber expressed support with pursuing regulations around workforce wellness and well-
885 being, adding it has become a huge topic of discussion especially during the pandemic. Dr.
886 Schaber shared that the American Pharmacist Association sent out a survey within the last year
887 through state affiliates regarding workplace conditions and that it would be helpful to reach out to
888 the AKPhA for those results to be shared with the board.

889
890 Ms. Carrillo asked why mealtimes weren't being provided as part of the pharmacy's policies
891 already. Dr. Ruffridge stated they are not always provided, and state law does not require
892 employers to provide mealtime breaks. Dr. Ruffridge added it can become a patient safety issue if
893 pharmacists are working 10-12 hours with no food or mental break. Dr. Schaber inquired whether
894 other prescribing boards have mandatory mealtimes in their regulations. Ms. Carrillo briefly
895 reviewed regulations for medical and nursing, but didn't find mealtime language, adding it's not a
896 licensing function. Dr. Ruffridge stated that if it is regulated, it creates an opportunity for
897 pharmacists to file a complaint.

898

899 **TASK 22**
900 Ms. Carrillo will add PIC requirements and limitations to the next meeting agenda for February
901 17-28, 2022.

902
903 **TASK 23**
904 Ms. Carrillo will reach out to the AKPhA for results on the workforce conditions survey and will
905 share it with the board during their February 17-18, 2022, meeting.

906

907 **Agenda Item 13** Administrative Business **Time: 4:51 p.m.**
908
909 Task List Review
910 The board reviewed the task list from its September 23-24 meeting, which also included ongoing
911 tasks from previous meetings. Dr. Ruffridge noted, during this November meeting, that several
912 tasks on the list were completed.

913

914 Meetings
915 Dr. Ruffridge asked the board how they liked the one-day meeting. Dr. Schaber supported it and
916 stated it was efficient. Dr. Ruffridge felt a little rushed but suggested that for meetings held in-
917 person it would be ideal to meet for two days and for meetings held via Zoom to be one day.

918

919 ListServ Notices
920 Ms. Carrillo stated it might be helpful to start providing recaps of notices sent through the board's
921 list serv. Ms. Carrillo shared the only item sent out was regarding the joint statement between the
922 nursing and dental boards for treatment of COVID-19. The board agreed it would be helpful to
923 continue having this as an agenda item.

924
925 **TASK 24**
926 Ms. Carrillo will submit a travel and meeting request for all board members to attend the February
927 17-18, 2022 in-person meeting in Juneau.

928
929 **Agenda Item 17** Adjourn **Time: 4:55 p.m.**

930
931 Dr. Ruffridge adjourned the meeting at 4:55 p.m.

932
933
934
935 *Laura Carrillo* 02/28/2022
936 Laura Carrillo, Executive Administrator Date

937
938
939
940 *Justin Ruffridge*
941 Justin Ruffridge, Chair Date