

**State of Alaska**  
**Department of Commerce, Community and Economic Development**  
**Division of Corporations, Business and Professional Licensing**

## **Alaska Board of Pharmacy**

# DRAFT MINUTES OF THE EMERGENCY MEETING

## November 18, 2021 Videoconference

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy via videoconference on November 18, 2021. Due to the COVID-19 pandemic, in-person attendance was not available.

**Agenda Item 1**      **Call to Order/Roll Call**      **Time: 9:01 a.m.**

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

Board members present, constituting a quorum:

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

Division staff present:

Laura Carrillo, Executive Administrator  
Heather Noe, Occupational Licensing Examiner  
Lisa Sherrell, PDMP Manager  
Sara Chambers, Division Director  
Michael Bowles, Investigator  
Marilyn Zimmerman, Paralegal

Members from the public present/registered:

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

59  
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
72 Justin Ruffridge	x			
73 Lana Bell			x	
74 Tammy Lindemuth			x	
75 James Henderson	x			
76 Ashley Schaber	x			
77 Leif Holm				x
78 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 23-24<sup>th</sup>, 2021 meeting minutes as written.**

95

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

104 The motion passed with no further discussion.

105

## **TASK 1**

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

108

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

110

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

114

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

116

## Disciplinary Matrix

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

123

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

## 183 **TASK 3**

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

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.**

	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

## 206 **TASK 4**

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

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
217 Justin Ruffridge	x			
218 Lana Bell	x			
219 Tammy Lindemuth	x			
220 James Henderson	x			
221 Ashley Schaber	x			
222 Leif Holm				x
223 Sharon Long	x			

224 The motion passed with no further discussion.  
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.

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

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

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:

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

	APPROVE	DENY	ABSTAIN	ABSENT
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
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           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.**

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.

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

385 The motion passed with no further discussion.

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.

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

411	James Henderson	x
412	Ashley Schaber	x
413	Leif Holm	x
414	Sharon Long	x

415 The motion passed with no further discussion.

416

## 417 **TASK 8**

418 Ms. Carrillo will forward to the department's legislative liaison contact information for Dr.  
419 Ruffridge and Dr. Schaber as leads for the upcoming session.

420

421 **Agenda Item 7                    Public Comment #1**                    **Time: 11:15 a.m.**

422

423 Representative Kevin McCabe:

424 Rep. McCabe thanked the board for their hard work and reaction to the last discussion [during the  
425 September 23-24, 2021 meeting], adding they are important to the healthcare system and  
426 appreciate recognizing the physician-patient relationship.

427

428 Daniel Nelson:

429 Daniel Nelson expressed concern about patients being forced to use out-of-state pharmacies by  
430 PBMs or forced to pay for these prescriptions, which tend to be much more expensive. Mr.  
431 Nelson expressed further concern about patients receiving prescriptions that are supposed to be  
432 frozen but arrive thawed or don't show up on time; prescriptions for which there has been no  
433 patient counseling offered or given; resident pharmacists or pharmacies not having any  
434 relationship with the out-of-state pharmacist or pharmacy; and cumbersome prior authorization  
435 processes. Mr. Nelson echoed Rep. McCabe's sentiments around his appreciation for the board's  
436 letter, but stated the joint letter with the Board of Nursing and Board of Dental Examiners would  
437 have more added weight with the participation of the Medical Board. Of concern with the joint  
438 letter is the incorrect statement around FDA approval for monoclonal antibodies as it is only  
439 emergency authorized, which he recognizes may be a small but important distinction. Lastly, Mr.  
440 Nelson expressed disappointment in timeliness of responses from the board of pharmacy staff,  
441 stating a 5-day return time is not acceptable.

442

443 Coral Seaman:

444 Ms. Seaman inquired whether there was a policy around keeping cards on file or whether there  
445 were encryption or other security requirements.

446

447 Chair Ruffridge called for break.

448

449 *Off record at 11:30 a.m.*

450 *On record at 11:42 a.m.*

451

452

453

454	<b>Agenda Item #8</b>	<b><u>Correspondence</u></b>	<b>Time: 11:42 a.m.</b>
455			
456		<u>Letter to the board re: ivermectin</u>	
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		<u>DEA Notice of Proposed Rule Making: Telepharmacy</u>	
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		<u>NABP - .Pharmacy Initiative for Online Pharmacies</u>	
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		<u>Arkansas Correspondence Re: Monoclonal Antibodies</u>	
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

<b>548 Agenda Item #13</b>	<b>Regulations</b>	<b>Time: 1:00 p.m.</b>
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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

	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 4<sup>th</sup> 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

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.

654

	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
727 Justin Ruffridge	x			
728 Lana Bell	x			
729 Tammy Lindemuth	x			
730 James Henderson	x			
731 Ashley Schaber	x			
732 Leif Holm				x
733 Sharon Long	x			

734 The motion passed with no further discussion.

735

736 **TASK 17**

737 Ms. Carrillo will sign the certification order and affidavit of board action for adopted changes to  
738 12 AAC 52.855 – 12 AAC 52.857.

739

740 Part III PDMP Regulations: Third-party vendors

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

746

747 Part III PDMP Regulations: Veterinary reporting

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

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.**

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

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				
852	Justin Ruffridge	x		
853	Lana Bell	x		
854	Tammy Lindemuth	x		
855	James Henderson	x		
856	Ashley Schaber	x		
857	Leif Holm			x
858	Sharon Long	x		

859 The motion passed with no further discussion.

860

861 **Agenda Item #15**

**Public Comment #2**

**Time: 2:48 p.m.**

862

863 Sandy Taylor:

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

869

870 Coral Seaman:

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

876	<b>Agenda Item #13</b>	<b><u>Regulations</u></b>	<b>Time: 4:15 p.m.</b>
877			
878	<u>New Regulations: Pharmacists-in-charge</u>		
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	<b>TASK 22</b>		
900	Ms. Carrillo will add PIC requirements and limitations to the next meeting agenda for February		
901	17-28, 2022.		
902			
903	<b>TASK 23</b>		
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	<b>Agenda Item 13</b>	<b><u>Administrative Business</u></b>	<b>Time: 4:51 p.m.</b>
908			
909	<u>Task List Review</u>		
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	<u>Meetings</u>		
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