

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 MEETING

8  
9 February 17, 2022 Videoconference

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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 February 17, 2022. Due to the COVID-19 pandemic, in-person attendance was not  
14 available.

15  
16 Agenda Item 1                      Call to Order/Roll Call                      Time: 9:02 a.m.

17  
18 The February 17, 2022 videoconference was called to order by Chair, Dr. Ruffridge at 9:02 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  
25 James Henderson, RPh #PHAP1683  
26 Tammy Lindemuth

27  
28 Division staff present:

29  
30 Laura Carrillo, Executive Administrator  
31 Lisa Sherrell, PDMP Manager  
32 Heather Noe, Occupational Licensing Examiner  
33 Bradley Johnson, Occupational Licensing Examiner  
34 Charley Larson, Occupational Licensing Examiner  
35 Melissa Dumas, Administrative Officer  
36 Michael Bowles, Investigator  
37 Marilyn Zimmerman, Paralegal

38  
39 Members from the public present/registered:

40  
41 Keith Koscielski, PharMerica  
42 Gail Elliott, Kaiser Permanente

- 43 Lorri Walmsley, Walgreens
- 44 Samantha Chessie, Animal Policy Group
- 45 David Besh, Self
- 46 Coral Seaman, Public
- 47 Benny Ndahiriwe, none - member of the public
- 48 Sheila Sinclair, Trilogy MedWaste
- 49 Maimuna Bruce Uzzell, CAH
- 50 Daniel Nelson, TCC
- 51 Jennifer Adams, ISU
- 52 Olga Brophy, Carrs/Safeway
- 53 Mary Ann Hollick, self
- 54 Jessie Leyva , NABP
- 55 Sarah Coburn, AK Veterinary Medical Association
- 56 Caren Robinson, AkPhA
- 57 Renee Robinson, AKPhA
- 58 Rachel Bergartt, Board of Veterinary Examiners
- 59 Jessica Adams, TelePharm
- 60 Mark Johnston, CVS Health
- 61 Callista Carlton, Southcentral Foundation
- 62 Ursula Chizhik, FLAVORx
- 63 Neal Watson, NABP
- 64 Rebecca Carrillo, Public
- 65 Lauren Paul, CVS Health
- 66 Pat Anderson, Self

67

68 **Agenda Item 2**                      **Review/Approve Agenda**                                      **Time: 9:03 a.m.**

69

70 The board reviewed the meeting agenda. Ms. Lindemuth move that we switch item #8 with

71 agenda item #9.

72

73 **On a motion duly made by Tammy Lindemuth approve the meeting agenda, seconded by**

74 **Ashley Schaber, and approved unanimously, it was:**

75

76 **RESOLVED to approve the February 17, 2022 meeting agenda as written.**

77

	APPROVE	DENY	ABSTAIN	ABSENT
78 Justin Ruffridge	x			
79 Lana Bell				x
80 Tammy Lindemuth	x			
81 James Henderson	x			
82 Ashley Schaber	x			
83 Leif Holm				x

85	Sharon Long	x
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86 The motion passed with no further discussion.

87  
 88 **On a motion duly made by Tammy Lindemuth approve the meeting agenda, seconded by**  
 89 **Ashley Schaber, and approved unanimously, it was:**

90  
 91 **RESOLVED to accept the February 17, 2022 meeting agenda as amended.**  
 92

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

101 The motion passed with no further discussion.

102  
 103 **Agenda Item 3                      Ethics Disclosures                      Time: 9:05 a.m.**  
 104

105 Dr. Schaber disclosed that she is a member of AKPhA, Member; By-Laws & Nominations  
 106 Committee Chair), Co-treasurer, and a member of the Legislative & Convention Committees.  
 107

108 Dr. Ruffridge is currently a candidate for state house, district 7. Dr. Ruffridge stated activity to  
 109 official run began in the beginning in 2022 and in no way affects his position on the board.  
 110 .

111 **Agenda Item 4                      Review/Approve Minutes                      Time: 9:06 a.m.**  
 112

113 The board reviewed the draft November 18, 2021 meeting minutes. Dr. Schaber pointed out the  
 114 inconsistencies in the motion and approvals for denials made during the previous meeting. Since  
 115 the vote was not in the affirmative but were voted on negatively, some responses needed to  
 116 properly reflect the denials. Ms. Carrillo added there was a typo on line 13 and that it would be  
 117 changed from August 12 to the correct date.  
 118

119 **On a motion duly made by Tammy Lindemuth to amend the agenda by switching the**  
 120 **times for the Subcommittee Update, Agenda Item #8, with the Division/Budget Report,**  
 121 **Agenda Item #9, seconded by Ashley Schaber, and approved unanimously, it was:**  
 122

123 **RESOLVED to switch agenda items #8 and #9.**  
 124  
 125  
 126

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
127				
128	Justin Ruffridge	x		
129	Lana Bell			x
130	Tammy Lindemuth	x		
131	James Henderson	x		
132	Ashley Schaber			x
133	Leif Holm			x
134	Sharon Long			x

135 The motion passed with no further discussion.

136

137 **TASK 1**

138 Ms. Carrillo will correct the meeting minutes as discussed during the meeting and will send to Dr.  
139 Ruffridge for his signature.

140

141 **Agenda Item 5**                      **Industry Updates**    **Time: 9:15 a.m.**

142

143 *AKPhA (Renee Robinson)*

144 Brandy Seignemartin is the new Executive Director with a joint appointment with the UAA  
145 Doctor of Pharmacy program. The AKPhA recently held an election; Renee Robinson is now  
146 president. On committee updates and accomplishments, the association offered a hybrid virtual  
147 convention which offered live-stream access to presentations for 16 hours of continuing  
148 education. The association also held a Pharmacy Leadership Development program.

149

150 The association expanded academic and student outreach by holding immunization clinics at  
151 UAA, Carrs Safeway, Three bears, as well as with the Alaska Black Caucus. They recently  
152 established a partnership with DHSS and will be holding a joint virtual health fair. On legislative  
153 updates, the association supports HB145 and HB306 and opposes HB237.

154

155 *NABP Interactive Forum (Ashley Schaber)*

156 Dr. Schaber summarized highlights from her participation in the NABP Interactive Form. She  
157 stated that states discussed emergency rules, the federal PREP Act, vaccinators, and waivers.  
158 There were discussions from other states about adding the ability for technicians to administer flu  
159 vaccines and efforts to change the definition of when emergency supplies of medications can be  
160 dispensed. States also looked to increase a 30-day supply to 90-day supply without a new  
161 prescription. Some state boards of pharmacies worked with hospitals for labeling inhalers and  
162 other bulk items to ensure patients could take them home. Some states extended trainee licensees.  
163 Dr. Schaber added there were discussions on how states don't always look at pharmacists as  
164 practitioners. Some states focused on man-power barriers and removing barriers to get technicians  
165 into the workforce, including looking at using the national guard without requiring a technician  
166 license.

167

168 Dr. Schaber stated other topics discussed included workplace conditions and well-being. North  
169 Dakota lead this topic and requires national certification of their technicians; what they're seeing is  
170 that they're being retained longer and have less of a technician shortage like is being seen in other  
171 states. Dr. Schaber stated this is timely because it is currently being discussed in Alaska. Another  
172 discussion was mandatory breaks; the inspector would ask team members about whether they are  
173 given regular breaks. Some states are required to provide for breaks, but there is also a  
174 responsibility for pharmacists to schedule breaks where staff must take a break. Several states have  
175 partnerships in place with schools of pharmacies, board members, associations, chain drug stores,  
176 etc. to improve workplace wellness. Dr. Schaber also shared other states were also looking at  
177 prescriptive authority and the issues of white and brown bagging. White bagging requires  
178 medications to be filled at a specialty pharmacy whereas brown bagging involves insurance  
179 companies requiring medications to be shipped directly to the patient and then brought to the  
180 hospital or clinic for administration.

181  
182 On the PDMP, Dr. Schaber stated North Dakota received a grant and implemented a screening  
183 tool for risk of OD at the point of dispensing to then dispense naloxone. The program is called  
184 OneRx. Another state passed opioid registration fee for distributors based on the number of pills  
185 they dispense in the state, but what they received was substantially lower than what had been  
186 projected.

187  
188 Dr. Schaber informed the board that the NABP has taken significant steps to address NAPLEX  
189 issues as many states received score reports that were blank. Dr. Schaber also discussed the Drug  
190 Supply Chain and Security Act (DSCSA) and diversion schemes occurring where drugs are  
191 purchased under a pharmacy license but sold by a wholesaler and transferred within the company.

192  
193 Dr. Schaber stated the NABP's 118<sup>th</sup> Annual Meeting would be held between May 19-21. Ms. Bell  
194 stated that as first year board member, she could not stress enough how much it benefited her in  
195 so many ways. Ms. Bell encouraged board members to participate in NABP-sponsored training  
196 whenever possible.

197  
198 *Well-Being Index Report (Laura Carrillo)*

199 Ms. Carrillo stated the pharmacy workplace and well-being report is an anonymous questionnaire  
200 developed by the Mayo clinic and is analyzed by the Alliance for Patient Medication Safety. The  
201 goal was to collect experience on work-place conditions and how it affects personnel satisfaction  
202 as well as patient safety. There were 431 negative experiences and only 9 positive experiences  
203 among all district 7 states.

204

205 Some highlights as a result of experiencing high distress in the workplace include:

- 206 • 3-fold higher risk of low quality of life
- 207 • 8-fold higher risk of burnout
- 208 • 2.5 risk of high fatigue and intent to leave their employer
- 209 • a 2-fold higher risk of medication error.

210

211 Dr. Ruffridge stated this presentation is reflective of a trend experienced by Alaska pharmacists  
 212 for some time now. Dr. Ruffridge highlighted the data on distress percent by practice setting;  
 213 showing that pharmacists working in community-chain pharmacy settings demonstrate the  
 214 highlights stress response nationally, compared to the academic setting, which is lowest (46.61% in  
 215 January 2022 versus 21.38%). Dr. Ruffridge stated a lot of the stress also falls to technicians, so  
 216 looks forward to further discussion on how we can improve conditions for them. There were  
 217 some measures where Alaska data couldn't be reported due to a small sample size. Dr. Schaber  
 218 stated there needed be at least 100 participants to see aggregate data.

219  
 220 Dr. Ruffridge suggested the survey be sent out through the ListServ.

221  
 222 **TASK 2**

223 Ms. Carrillo will send the well-being index survey on pharmacy workplace conditions out through  
 224 the ListServ.

225  
 226 Dr. Ruffridge called for break at 9:56 a.m.

227  
 228 *Off record at 9:56 a.m.*

229 *Back on record at 10:02 a.m.*

230  
 231 **Agenda Item 6**                      **Investigative Report**                      **Time: 10:02 a.m.**

232  
 233 Investigator Bowles joined the board to present its investigative report, which included matters  
 234 from November 17, 2021 through February 7, 2022. The division opened 34 cases and closed 9.  
 235 Inv. Bowles advised there were sensitive matters to be discussed confidentially.

236  
 237 **On a motion duly made by Justin Ruffridge in accordance with AS 44.62.310(c)(2), the**  
 238 **board unanimously moved to enter executive session for the purpose of discussing**  
 239 **subjects that tend to prejudice the reputation and character of any person, provided the**  
 240 **person may request a public discussion.**

241  
 242 **RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**  
 243 **Staff, Michael Bowles and Laura Carrillo were authorized to remain in the room.**

244  
 245

	APPROVE	DENY	ABSTAIN	ABSENT
246 Justin Ruffridge	x			
247 Lana Bell	x			
248 Tammy Lindemuth	x			
249 James Henderson	x			
250 Ashley Schaber	x			
251 Leif Holm				x
252 Sharon Long				x

253 The motion passed with no further discussion.

254

255 *Off record at 10:08 a.m.*

256 *On record at 10:23 a.m.*

257

258 **On a motion duly made by Ashley Schaber to approve the application for case #2021-**  
259 **000944, seconded by James Henderson, and denied unanimously, it was:**

260

261 **RESOLVED to deny the application for case #2021-000944.**

262

	APPROVE	DENY	ABSTAIN	ABSENT
263 Justin Ruffridge		x		
264 Lana Bell			x	
265 Tammy Lindemuth		x		
266 James Henderson		x		
267 Ashley Schaber		x		
268 Leif Holm				x
269 Sharon Long				x

270 The motion did not pass.

271

272  
273 **On a motion duly made by Tammy Lindemuth to approve the imposition of civil fine for**  
274 **case #2021-000938 in the amount of \$500 without censure or reprimand, seconded by**  
275 **James Henderson, and approved unanimously, it was:**

276

277 **RESOLVED to approve the imposition of civil fine for case #2021-000938 in the**  
278 **amount of \$500 without censure or reprimand.**

279

	APPROVE	DENY	ABSTAIN	ABSENT
280 Justin Ruffridge	x			
281 Lana Bell	x			
282 Tammy Lindemuth	x			
283 James Henderson	x			
284 Ashley Schaber			x	
285 Leif Holm				x
286 Sharon Long				x

287 The motioned passed with no further discussion.

288

289  
290 **On a motion duly made by Tammy Lindemuth to approve the imposition of civil fine for**  
291 **case #2021-000763 in the amount of \$250 without censure or reprimand, seconded by**  
292 **Ashley Schaber, and approved unanimously, it was:**

293

294 **RESOLVED** to approve the imposition of civil fine for case #2021-000763 in the  
 295 amount of \$250 without censure or reprimand.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
297				
298	Justin Ruffridge	x		
299	Lana Bell	x		
300	Tammy Lindemuth	x		
301	James Henderson		x	
302	Ashley Schaber	x		
303	Leif Holm			x
304	Sharon Long			x

305 The motion passed with no further discussion.

306  
 307 **On a motion duly made by Tammy Lindemuth to approve the imposition of civil fine for**  
 308 **case #2021-000054 in the amount of \$500 without censure or reprimand, seconded by**  
 309 **Ashley Schaber, and approved unanimously, it was:**

310  
 311 **RESOLVED** to approve the imposition of civil fine for case #2021-000054 in the  
 312 amount of \$500 without censure or reprimand.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
314				
315	Justin Ruffridge		x	
316	Lana Bell	x		
317	Tammy Lindemuth	x		
318	James Henderson	x		
319	Ashley Schaber	x		
320	Leif Holm			x
321	Sharon Long			x

322 The motion passed with no further discussion.

323  
 324 **TASK 3**

325 Dr. Ruffridge will return the signed agreements to Inv. Bowles.

326  
 327 **Agenda Item 7**                      **Public Comment #1**                      **Time: 10:32 a.m.**

328  
 329 *Daniel Nelson*

330 Mr. Nelson thanked the board and expressed appreciation for their timely work. Mr. Nelson  
 331 expressed his concern that there is a lot of work put on the executive administrator, and in relation  
 332 to the fee decrease proposal, he prefers to pay the current fee and have more timely responses to  
 333 applicants. Mr. Nelson supports the boards' proposed regulation change allowing approval of

334 applications by the EA. He also expressed his support for HB145 and also encouraged the board  
335 to support it.

336  
337 **Agenda Item 9**                      **Subcommittee Updates**                      **Time: 10:38 a.m.**  
338

339 *Healthcare Board Chairs (Dr. Ruffridge)*

340 Dr. Ruffridge provided the update that legislation continued to be the main topic of discussion.  
341 Dr. Ruffridge reminded the board that when members speak individually to legislators, that those  
342 conversations must reflect full discussion of the board. He stated the group continues to discuss  
343 COVID-19 and military licensing priorities. With the board’s sunset bill up, he then explained that  
344 in the past, legislators were able to choose which sunset bills to support, but that this year, boards  
345 were to find a sponsor; Dr. Ruffridge and AKPhA’s Caren Robinson were able to seek  
346 Representative Andi Story’s support for HB306.

347  
348 *PDMP Board Chairs (Dr. Ruffridge)*

349 Dr. Ruffridge informed the board that the group continues to discuss a uniform agreement to  
350 establish consistency amongst boards with regards to what the PDMP is to be used for, how they  
351 would like data to be presented, the type of data to provide, and what matters needed to be  
352 prioritized with the investigative unit. Dr. Ruffridge stated it was very helpful to have data  
353 stewards from other departments to provide from their expertise as the group welcomed a  
354 presentation on overdose data from DHSS in a recent meeting.

355  
356 *Controlled Substances Advisory Subcommittee (Tammy Lindemuth)*

357 Ms. Lindemuth shared that veterinarians attended a recent CSAC meeting to seek support for  
358 exemption from the PDMP. The committee was working on finalizing a letter to the Governor  
359 regarding scheduling of gabapentin and kratom. Ms. Lindemuth shared the committee is now in  
360 the process of addressing a designer drug, N -Pyrrolidino Etonitazene, a derivative of fentanyl,  
361 and exploring the possibility of it being emergency scheduled. The issue was brought to the  
362 CSAC’s attention by the crime lab in Fairbanks. The CSAC’s next meeting will be April 20<sup>th</sup> at  
363 12:00 p.m.

364  
365 *Compounding Subcommittee (Dr. Ruffridge)*

366 Ms. Carrillo noted there has not been an update from this subcommittee in a long time and  
367 inquired whether the board wished to table the committee. Dr. Ruffridge stated it is an important  
368 subcommittee, but it has been difficult to convene to discuss current issues due to competing  
369 priorities.

370  
371 **On a motion duly made by Justin Ruffridge to table the compounding subcommittee until**  
372 **a later date when new members are formed, seconded by Tammy Lindemuth, and**  
373 **approved unanimously, it was:**

374  
375                      **RESOLVED to table the compounding subcommittee.**  
376

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
377				
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 *Lana Bell left the room at 10:57 a.m.*

388

389 **Agenda Item 11**                      **PDMP Update**    **Time: 10:58 a.m.**

390

391 Ms. Sherrell updated the board that Charley Larson was recently hired as the PDMP occupational  
392 licensing examiner. Ms. Sherrell also informed the board that interactive prescriber report cards  
393 were launched in November and now allows prescribers to dial into their treatment details. The  
394 interactive report also allows admin to view how many prescribers have viewed their report. Ms.  
395 Sherrell also provided an update on form revisions and clean-up to capture which providers are  
396 directly dispensing. The PDMP team continues to explore ways to make the database easier to use.

397

398 **Agenda Item 8**                      **Division/Budget Update**    **Time: 11:38 a.m.**

399

400 Melissa Dumas joined the board provided its budget update. The board's total revenue for Q1 and  
401 Q2 of FY22 is \$233,365. The total non-investigative expenditures is \$120,156, personal services is  
402 \$46,158, which includes investigative time, and division direct, which includes the admin officer,  
403 director, deputy director, and about 25 other staff who contribute time to the entire division, is at  
404 \$95,000. The board's total indirect expenditures is \$160,093 and has a surplus of \$493,037. Ms.  
405 Dumas pointed to the statistical information near the bottom of the page; Dr. Ruffridge inquired  
406 where to find comprehensive licensing statistics and Ms. Dumas demonstrated how to navigate to  
407 the division reports page.

408

409 Ms. Dumas then reviewed the PDMP budget report, sharing that 99% of expenditures are funded  
410 through grants with DHSS. Revenue from the \$25.00 registration and renewal fee, which has since  
411 been reduced to zero, brought in \$26,000 in revenue.

412

413 **Agenda Item 10**                      **Lunch**    **Time: 11:50 a.m.**

414

415 Dr. Ruffridge called for a lunch break at 11:50 a.m.

416

417 *Off record for lunch at 11:50 a.m.*

418 *Back on record at 12:50 p.m.*

420

421 Upon return from lunch, Justin Ruffridge, Tammy Lindemuth, James Henderson, and Ashley  
 422 Schaber were present, constituting a quorum.

423 Application Review

424 The board reviewed applications for licensure as well as for shared pharmacy services.

425

426 **On a motion duly made by Justin Ruffridge to table the shared pharmacy services**  
 427 **application for Pipeline Rx, seconded by Tammy Lindemuth, and approved unanimously,**  
 428 **it was:**

429                      **RESOLVED to table the shared pharmacy application for Pipeline Rx.**

430

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
431 Justin Ruffridge	x			
432 Lana Bell				x
433 Tammy Lindemuth	x			
434 James Henderson	x			
435 Ashley Schaber	x			
436 Leif Holm				x
437 Sharon Long				x

438  
 439 The motion passed with no further discussion.

440

441 **TASK 4**

442 Ms. Carrillo will update Pipeline Rx on their tabled application.

443

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

448

449                      **RESOLVED to enter into executive session in accordance with AS 44.62.310(c)(2).**  
 450 **Staff, Laura Carrillo, was authorized to remain in the room.**

451

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
452 Justin Ruffridge	x			
453 Lana Bell				x
454 Tammy Lindemuth	x			
455 James Henderson	x			
456 Ashley Schaber	x			
457 Leif Holm				x
458 Sharon Long				x

459

460 The motion passed with no further discussion.

461

462 *Off record at 12:56 a.m.*

463 *On record at 1:33 p.m.*

464

465 Upon return from executive session, Chair Ruffridge indicated there were no motions made in  
466 executive session. Ms. Bell also returned to the meeting.

467

468 **On a motion duly made by Tammy Lindemuth to approve the pharmacy technician**  
469 **application for Kathleen Ramp (in-process #181933) in consideration of a felony**  
470 **conviction and moral turpitude per AS 08.80.261(a)(4) and AS 08.80.261(a)(8), seconded by**  
471 **James Henderson, and denied by the majority with one abstention, it was:**

472

473 **RESOLVED to deny the pharmacy technician application for Kathleen Ramp per**  
474 **AS 08.80.261(a)(4) and AS 08.80.261(a)(8).**

475

	APPROVE	DENY	ABSTAIN	ABSENT
476 Justin Ruffridge		x		
477 Lana Bell			x	
478 Tammy Lindemuth		x		
479 James Henderson		x		
480 Ashley Schaber		x		
481 Leif Holm				x
482 Sharon Long				x

483 The motion did not pass and there was no further discussion.

484

485  
486 **On a motion duly made by Tammy Lindemuth to approve the pharmacist intern**  
487 **application for David Besh (in-process #180952), seconded by James Henderson and**  
488 **approved unanimously, it was:**

489

490 **RESOLVED to approve the pharmacy intern license application for David Besh.**

491

	APPROVE	DENY	ABSTAIN	ABSENT
492 Justin Ruffridge	x			
493 Lana Bell			x	
494 Tammy Lindemuth	x			
495 James Henderson	x			
496 Ashley Schaber	x			
497 Leif Holm				x
498 Sharon Long				x

499 The motion passed with no further discussion.

500

501 **TASK 5**

502 Ms. Carrillo will send a notice to Ms. Ramp regarding the board’s decision and will forward a copy  
503 of the denial documents to Investigator Bowles.

504

505 **TASK 6**

506 Ms. Carrillo will process the pharmacist intern license application for David Besh.

507

508 Lost/Stolen records

509 The board reviewed four DEA 106 forms of lost/stolen prescriptions: one each for CVS  
510 Pharmacy #113861, CVS Pharmacy 113890, PMOA, Inc. #131158, and Costco Pharmacy  
511 #PHAR465. Dr. Ruffridge noted that the notification for #113890 was only an initial notification  
512 of a loss from October 15, 2021 and that the notice indicated an update would be provided every  
513 45 days. Dr. Ruffridge inquired whether we received the DEA 106, to which Ms. Carrillo stated  
514 she would follow-up.

515

516 **TASK 7**

517 Ms. Carrillo will follow-up with CVS pharmacy #113890 on the status of the initial loss of  
518 prescriptions from October 15, 2021 and will update the board at its next meeting.

519

520 Correspondence

521 *Anonymous:* An Alaska licensee wrote to the NABP about concerns with staffing and public safety  
522 in chain retail pharmacies. The letter is a call to action to the board of pharmacy to address  
523 medication dispensing errors and job satisfaction. Dr. Schaber suggests setting up a work group or  
524 subcommittee to work through these solutions; partnership with AKPhA, and employers with the  
525 state.

526

527 **TASK 8**

528 Ms. Carrillo will reach out to Department of Labor, the AKPhA, and UAA, and will continue to  
529 keep this on the agenda as a potential for a new work group.

530

531 *Keith Koscielski* – Mr. Koscielski wrote to the board requesting authorization to place a  
532 CubexRxNow machine—which functions as an electronic eKit and first-dose kit—into skilled  
533 nursing facility (a long-term care facility “LTCF”), Prestige Care & Rehabilitation Center, which  
534 holds an out-of-state registration by the board. Dr. Ruffridge inquired why the authorization  
535 request is being made since the board doesn’t regulate kiosks. Ms. Bell suggested the issue may be  
536 around stocking the machine. Mr. Koscielski clarified the regulations, 12 AAC 52.830 and 12 AAC  
537 52.840, do speak to emergency drug kits but don’t speak to whether it can be electronic. To Ms.  
538 Bell’s comment, Mr. Koscielski stated it is only dispensed when there’s a valid prescription by a  
539 prescriber, that controlled drugs are restricted by access code. Mr. Koscielski further stated the  
540 request is whether the machine can be restocked with cubies instead of pharmacists physically  
541 restocking it as required by regulation. The process is that the pharmacist only prepares for restock  
542 but it is ultimately stocked by nursing staff. Ms. Bell inquired whether the facility is a DEA  
543 registrant, to which Mr. Koscielski stated it is not, but that the machine is registered under the

544 prescriber’s DEA. Ms. Bell expressed her understanding that a LTCF cannot stock controlled  
545 substances unless the facility is a DEA registrant and employs a medical director.

546  
547 Ms. Bell suggested the board request a legal opinion from the Department of Law, to which Ms.  
548 Lindemuth agreed. Dr. Ruffridge also supported a legal opinion but indicated he would like to  
549 solidify his understanding with applicable laws. Mr. Koscielski referenced DEA regulations related  
550 to emergency kits in LTCFs. Dr. Ruffridge read aloud the pertinent section of the manual:

551  
552 A pharmacy may place an emergency kit with controlled substances in a non-DEA  
553 registered LTCF if the appropriate state agency or regulatory authority specifically  
554 approves the placement and promulgates procedures that delineate:

- 555 1. The source from which the LTCF may obtain controlled substances for  
556 emergency kits and that the source of supply is a DEA registered hospital/clinic,  
557 pharmacy, or practitioner.
- 558 2. The security safeguards for each emergency kit stored at the LTCF, including  
559 who may have access to the emergency kit, and specific limitation of the type and  
560 quantity of controlled substances permitted in the kit.
- 561 3. The responsibility for proper control and accountability of the emergency kit  
562 within the LTCF, including the requirement that the LTCF and the supplying  
563 registrant maintain complete and accurate records of the controlled substances  
564 placed in the emergency kit, the disposition of the controlled substances, and the  
565 requirement to take and maintain periodic physical inventories.

566 Dr. Ruffridge noted the DEA does allow emergency kits *if* the state agency has the specific  
567 regulatory authority, but that the board doesn’t currently have regulations codifying standards for  
568 placement of kits containing controlled substances. Mr. Koscielski recommended looking at other  
569 state regulations, such as Washington.

570

### 571 **TASK 9**

572 Ms. Bell and Ms. Carrillo will work on draft regulations for emergency drug kits, both electronic  
573 and physical for potential amendments to 12 AAC 52.830 and 12 AAC 52.840.

574  
575 *Rich Holt* – Dr. Holt shared that some states, including Colorado, Kentucky, Maine, Michigan, and  
576 others, delegate the determination of eligibility to the NABP. Ms. Carrillo shared that the NABP  
577 confirms eligibility by reviewing their qualifications, like transcripts, and ultimately grants eligibility  
578 to the applicant. Neal Watson with the NABP was on the line to provide details on this process,  
579 adding it does provide efficiency for states. Dr. Schaber inquired how often the Alaska specific  
580 questions get updated, to which Mr. Watson stated is done annually with the MPJE item  
581 development and testing workshops for state administrators and board members to participate in.

582  
583 Dr. Ruffridge inquired whether the NABP does background checks. Mr. Watson stated the NABP  
584 does not currently but that they do receive actions via ClearingHouse and allows state agencies to  
585 access this.

586

587 The board continued discussing the option of delegating MPJE-eligibility to the NABP instead of  
588 it being done by licensing staff. Dr. Ruffridge requested adding 12 AAC 52.092 (Approval to Sit  
589 for Examination) to the day 2 agenda during the regulations discussion.

590

591 **TASK 10**

592 Ms. Carrillo will add 12 AAC 52.092 as a new regulation project for the board to further discuss  
593 during day 2 of the February meeting.

594

595 *Telepharm* – the board reviewed correspondence from TelePharm, which proposed revising 12  
596 AAC 52.423 to remove the 10 road mile restriction. Dr. Ruffridge stated that he owns the only  
597 remote pharmacy in Alaska and is a customer of TelePharm so would recuse himself from the  
598 discussion. Mr. Henderson recalled that Dr. Holm’s previous concern was that if there was already  
599 a remote pharmacy present and a new pharmacy came in, it would force the remote pharmacy out  
600 of business. Jessica Adams from TelePharm was on the line for discussion and historical context.  
601 Ms. Adams stated that COVID-19 highlighted the disparities in marginal populations where access  
602 to pharmacy services is a challenge, adding that telepharmacy services would alleviate this issue  
603 and help balance the workload of full pharmacies. Ms. Adams stated the 10-mile limitation  
604 prevents pharmacies from pursuing telepharmacy services as an option, adding that 10 miles may  
605 not seem very long, but with rurality of Alaska and limited transportation, and harsh road  
606 conditions, mobility limitations, it can become a difficult trek. Ms. Carrillo inquired how the 10-  
607 mile was determined, to which Mr. Henderson stated it seemed reasonable but that it may have  
608 been established arbitrarily.

609

610 Lorri Walmsley, Arizona board member and Walgreens pharmacist, shared the state does have  
611 remote pharmacy regulations but does not impose a mileage restriction, adding there hasn’t been  
612 many issues. Jennifer Adams from Idaho State University shared that historically, Idaho had a 50-  
613 mile limit, which similarly was arbitrarily determined by the board. It was later reviewed by the  
614 board who ultimately removed the limit. Dr. Adams stated hasn’t been a huge increase in the  
615 number of telepharmacies since. Jessica Adams shared other states without mileage limitations,  
616 such as Oregon, Washington, and Illinois.

617

618 **On a motion duly made by Ashley Schaber to add 12 AAC 52.423 regarding remote**  
619 **pharmacy licensure to the February 18, day 2 agenda, seconded by Tammy Lindemuth**  
620 **and approved by the majority with one abstention, it was:**

621

622 **RESOLVED to add 12 AAC 52.423 to the day 2 agenda.**

623

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
624 Justin Ruffridge	x			
625 Lana Bell			x	
626 Tammy Lindemuth	x			
627 James Henderson	x			
628				

629	Ashley Schaber	x
630	Leif Holm	x
631	Sharon Long	x

632 The motion passed without further discussion.

633

634 **TASK 11**

635 Ms. Carrillo will add 12 AAC 52.423 to the day 2 agenda under regulations.

636

637 *FDA* – The board reviewed correspondence from the FDA addressing the modified Risk  
 638 Evaluation and Mitigation (REMS) program for clozapine, which has created barriers in patient  
 639 access to the drug. The FDA’s letter states it does not intend to enforce certain REMS  
 640 requirements, including on pharmacies if they dispense clozapine without applying to REMS for a  
 641 Request to Dispense Authorization (RDA). Dr. Ruffridge stated that access to clozapine is a major  
 642 issue and requested this correspondence be distributed through the ListServ. asks that we post this  
 643 through the ListServ.

644

645 **TASK 12**

646 Laura will send the FDA’s Clozapine correspondence out via ListServ.

647

648 *NABP* – The board discussed the MPJE exam writing workshop from March 9-11, 2022. Ms.  
 649 Carrillo and Dr. Schaber volunteered to participate.

650

651 **TASK 13**

652 Laura Carrillo and Ashley Schaber will participate in the MPJE writing workshop on March 9-11<sup>th</sup>  
 653 virtually.

654

655 The board reviewed additional correspondence, include age-related COVID-19 vaccine mix-ups  
 656 and reporting to the Vaccine Adverse Event Reporting System (VAERS), as well as compounding  
 657 for the FDA’s 2022 compounding quality center for excellence training opportunity.

658

659 Dr. Ruffridge called for break at 3:10 p.m.

660

661 *Off record at 3:10 p.m.*

662 *On record at 3:19 p.m.*

663

664 **Agenda Item 12**                      **Board Business**                                      **Time: 3:20 a.m.**

665

666 PHA Disciplinary Matrix

667 Ms. Carrillo and Dr. Schaber presented the draft comprehensive disciplinary matrix for the board’s  
 668 review and approval. Mr. Henderson noted a possible typo with a fine amount for unlicensed  
 669 practice; Ms. Carrillo clarified it should be \$25,000, not \$2,500. Dr. Schaber commented on  
 670 formatting edits and suggested the PDMP violations be moved to the PDMP-specific matrix. Dr.  
 671 Ruffridge requested sending the matrix out via the ListServ.

672 On a motion duly made by Justin Ruffridge to approve the disciplinary matrix, seconded  
 673 by Tammy Lindemuth and approved unanimously, it was:

674  
 675 **RESOLVED** to approve the disciplinary matrix as amended.  
 676

	APPROVE	DENY	ABSTAIN	ABSENT
677 Justin Ruffridge	x			
678 Lana Bell	x			
679 Tammy Lindemuth	x			
680 James Henderson	x			
681 Ashley Schaber	x			
682 Leif Holm				x
683 Sharon Long				x

685 The motion passed with further discussion. Mr. Henderson inquired whether advertising for  
 686 services is as egregious as shipping without a license. Dr. Ruffridge stated that advertising is costly  
 687 and is done with the intent to obtain and procure business, so should be treated similarly. Dr.  
 688 Ruffridge added that if after an investigative review, the facility only advertised but did not ship  
 689 any products, the discipline could ultimately be determined by the reviewing board member.  
 690

691 **TASK 14**

692 Ms. Carrillo will make corrections to the matrix and will send it out through the ListServ.  
 693

694 PDMP Disciplinary Matrix

695 Dr. Ruffridge stated this is a work in progress. Ms. Carrillo suggested establishing clear guidance,  
 696 e.g.: whether or not they missed a day of reporting and disciplining accordingly. Mr. Henderson  
 697 expressed interest in being more lenient especially for providers who miss 1 or reports  
 698 occasionally.  
 699

700 Media concerns

701 The board addressed an Alaska Watchman article where there was conflation between the board's  
 702 CE notice and its position on dispensing ivermectin. Dr. Ruffridge reiterated the that the board  
 703 has never taken a position against dispensing ivermectin; that its only position has been in  
 704 collaboration with the Nursing and Dental boards in addressing safe dispensing of it.  
 705

706 **Agenda Item 13**

**Public Comment #2**

**Time: 4:21 a.m.**

707  
 708 *Jennifer Adams:* Dr. Adams thanked Dr. Ruffridge and Dr. Schaber for volunteering as evaluators  
 709 for the UAA/ISU pharmacy law evaluation class.  
 710

711 **Agenda Item 14**

**Recess**

**Time: 4:30 p.m.**

712  
 713 Dr. Ruffridge recessed the meeting until February 18, 2022.

714 State of Alaska  
715 Department of Commerce, Community and Economic Development  
716 Division of Corporations, Business and Professional Licensing  
717

718 Alaska Board of Pharmacy  
719

720 DRAFT MINUTES OF THE MEETING  
721

722 February 18, 2022 Videoconference  
723

---

724 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,  
725 Article 6, a scheduled meeting of the Board of Pharmacy via videoconference on  
726 February 18, 2022. Due to the COVID-19 pandemic, in-person attendance was not  
727 available.

728  
729 **These are draft minutes and have not yet been approved by the board.**

730  
731 **Agenda Item 1**                      **Call to Order/Roll Call**                      **Time: 9:03 a.m.**  
732

733 The **February 18, 2022** videoconference was called to order by Chair, Dr. Ruffridge at 9:02 a.m.  
734

735 Board members present, constituting a quorum:  
736

737            Justin Ruffridge, PharmD #PHAP1787  
738            Ashley Schaber, PharmD, #PHAP1697  
739            Lana Bell, RPh #PHAP893  
740            James Henderson, RPh #PHAP1683  
741            Tammy Lindemuth,  
742

743 Division staff present:  
744

745            Laura Carrillo, Executive Administrator  
746            Lisa Sherrell, PDMP Manager  
747            Heather Noe, Occupational Licensing Examiner  
748            Bradley Johnson, Occupational Licensing Examiner  
749

750 Members from the public present/registered:  
751

752            Gail Elliott, Kaiser Permanente  
753            Lorri Walmsley, Walgreens  
754            Samantha Chessie, Animal Policy Group  
755            Coral Seaman, Public

756 Benny Ndahiriwe, member of the general public  
 757 Maimuna Bruce, CAH  
 758 Jennifer Adams, ISU  
 759 Sarah Coburn, AK Veterinary Medical Association  
 760 James Delker DVM, Alaska Veterinary Medical Association  
 761 Lauren Paul, CVS Health  
 762 Callista Carlton, Southcentral Foundation  
 763 Jessica Adams, Cardinal health  
 764 Margaret Soden, self  
 765 Patricia Anderson, none  
 766 Rachel Bergartt, Board of Veterinary Examiners  
 767 Caren Robinson, AkPhA  
 768 Justin Macy, NABP  
 769 William Cover, NABP

771 **Agenda Item 2**                      **Review/Approve Agenda**                      **Time: 9:05 a.m.**

772  
 773 The board reviewed the meeting agenda. Ms. Lindemuth move that we switch item #8 with  
 774 agenda item #9.

775  
 776 **On a motion duly made by Ashley Schaber to add 12 AAC 52.423, remote pharmacy, to the**  
 777 **meeting agenda for discussion, seconded by Lana Bell, and approved by the majority with**  
 778 **one abstention, it was:**

779  
 780 **RESOLVED to add the discussion of remote pharmacies to the agenda.**

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

789 The motion passed with no further discussion.  
 790

791  
 792 **On a motion duly made by Ashley Schaber to approve the amended agenda, seconded by**  
 793 **Lana Bell, and approved unanimously, it was:**

794  
 795 **RESOLVED to approve the February 18, 2022 meeting agenda as amended.**  
 796  
 797

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
798				
799	Justin Ruffridge		x	
800	Lana Bell	x		
801	Tammy Lindemuth			x
802	James Henderson	x		
803	Ashley Schaber	x		
804	Leif Holm			x
805	Sharon Long			x

806 The motion passed with no further discussion.

807  
808 **Agenda Item 3**                      **Ethics Disclosures**                      **Time: 9:08 a.m.**

809  
810 Dr. Schaber disclosed that she is a member of AKPhA, Member; By-Laws & Nominations  
811 Committee Chair), Co-treasurer, and a member of the Legislative & Convention Committees.

812  
813 Dr. Ruffridge is currently a candidate for state house, district 7. Dr. Ruffridge stated activity to  
814 official run began in the beginning in 2022 and in no way affects his position on the board.

815  
816 **Agenda Item 4**                      **Public Comment #3**                      **Time: 9:09 a.m.**

817  
818 *James Delker, DVM* – Dr. Delker prefaced his comment with the statement that most of his  
819 frustration is directed at issues that occurred prior to the current board makeup. Introducing  
820 himself, Dr. Delker stated he has been a practicing veterinarian for 19 years and that he has been  
821 involved with the PDMP since 2013. He stated he identified numerous problems with the PDMP,  
822 and at the time, he presented at the Board of Pharmacy’s November 21<sup>st</sup>, 2013 meeting about how  
823 veterinarians can comply with the system. Dr. Delker stated he was told the board would table the  
824 topic until the next meeting, but never received a response. Dr. Delker stated veterinarians have  
825 been expressed as whiners who don’t want to do their job, but that they have not been invited to  
826 participate in discussions around the system. He further expressed concern around why data  
827 disappears when it is being entered and added that veterinarian data shows miniscule risk of  
828 diversion. Dr. Delker reiterated that the veterinarian’s licensing fees are among the highest in the  
829 country and spoke to Director Chamber’s comments during the SB132 hearing about investigative  
830 costs being paid for by grants, stating it is not the whole story. Concerns about why veterinarians  
831 were not included on the Joint Committee on Prescriptive Guidelines establishing MME standards  
832 were also expressed. Dr. Delker requested that the board consider removing the onus of  
833 veterinarians to comply with the requirements, adding veterinarians are happy to continue helping  
834 combat the opioid pandemic, but that they must have measurable data to show how they can  
835 make a difference.

836  
837 Dr. Ruffridge inquired whether his testimony was written and if Dr. Delker could forward it to  
838 Ms. Carrillo for distribution to the board.

840 **TASK 15**

841 Ms. Carrillo will forward Dr. Delker’s testimony on veterinary exemption from the PDMP to the  
842 board.

843  
844 *Callista Carlton* – Dr. Carlton introduced herself as the pharmacy clinical director with South  
845 Central Foundation, stating that curbside dispensing module arose as a solution during the  
846 pandemic, adding it allows for medication-pick-up without having to come into the lobby. Dr.  
847 Carlton stated they have since realized it’s not sustainable, but that a pharmacy locker would be a  
848 more sensible and permanent solution. Dr. Carlton inquired whether a presentation to the board  
849 would be helpful, to which the board agreed. Dr. Carlton stated she would be prepared to also  
850 share regulations from other states.

851 **TASK 16**

852  
853 Laura Carrillo will place Callista Carlton on the board’s next meeting agenda for a presentation on  
854 pharmacy lockers.

855  
856 *Margaret Soden* – Ms. Soden stated she has been a pharmacist in Alaska for 52 years and recently  
857 retired from practice. Ms. Soden was on the board twice; first from 1983 to 1989 and then again  
858 from 1998 to 2006 where she served as president from 2000-2004. Speaking to Dr. Delker’s  
859 comment, Ms. Soden stated she was not on the board when it discussed veterinary participation in  
860 the PDMP but agreed with him. Ms. Soden stated she was on the call for historical reference per  
861 Dr. Schaber’s request to discuss remote pharmacy licensure.

862  
863 Dr. Schaber asked where the 10-mile restriction came from come. Ms. Soden stated it was an  
864 emerging topic in early 2000 and there was little knowledge about where remote pharmacies could  
865 be placed. The context at the time was a pharmacy out of Fairbanks wanted to put in a remote  
866 location in Healy or Delta Junction, but that a concern was that a remote pharmacy could end up  
867 hiring full staff to where it is no longer providing remote services. Ms. Soden further recalled the  
868 board discussing a 3-mile restriction as well as the 10-mile restriction, suggesting the latter may  
869 have been a compromise. Ms. Lindemuth expressed thanks to Ms. Soden for her time, her years of  
870 work on the board, and for the foundational insight she provided.

871  
872 Mr. Henderson inquired whether it would be appropriate for Ms. Soden to speak to Dr. Delker’s  
873 comments. Ms. Soden stated when that when she was on the board in 2004, she and Bill Altland  
874 met with a representative from a pharmaceutical company and they were presenting sample  
875 regulations on the PDMP. Ms. Soden recalled the goal was to control the amount of controlled  
876 substances that were being inappropriately prescribed by physicians, nurse practitioners, and  
877 dentists, but that at the time there wasn’t a consideration to include optometrists and veterinarians.  
878 Ms. Soden added she didn’t think of these professions as being a source of inappropriate  
879 prescribing and that including veterinarians in the PDMP only by virtue they prescribe is a stretch.  
880 Ms. Soden agreed it must be difficult to access information and report daily.

881  
882

884

885 White/brown bagging

886 Dr. Ruffridge stated there seems to be certain aspects the board can regulate with regards to white  
887 and brown bagging but doesn't match up fully to what the boards want to have oversight on. Dr.  
888 Schaber commented it seems to fall more under the purview of the Division of Insurance.

889

890 Pharmacy technicians with national certification

891 Dr. Ruffridge stated this will be discussed further under statutes under Agenda Item #9.

892

893 Medication therapy management

894 LAW provided input on whether pharmacies registered outside of the state could engage in  
895 providing medication therapy management without being registered by the board. Dr. Ruffridge  
896 stated pharmacists employed in out-of-state pharmacies would be providing this service. Mr.  
897 Henderson stated there is no statute that allows the board to regulate out-of-state personnel,  
898 which in part is due to the statute for regulating these pharmacies being weak; they are registered  
899 rather than licensed by the board. Ms. Bell stated this is why she is worried about controlled  
900 substances and out-of-state pharmacies installing machines.

901

902 Dr. Ruffridge pointed to AS 08.80.030(b) regarding licensure required for practicing in the state,  
903 suggesting a need for a legal opinion on what "in" the state means.

904

905 (8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in  
906 the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

907 The board ultimately agreed the following question should be posed to LAW:

908

909 Can the board through regulations define what it means to practice in the state as referenced in AS  
910 08.80.030(b)(8), to include being physically located in the state as well as providing services to the  
911 state? And if yes, can the board require pharmacists located outside of the state who are providing  
912 services for a registered out-of-state pharmacy to be licensed in Alaska without a statute change?

913

914 **On a motion duly made by Justin Ruffridge to direct Ms. Carrillo to request a legal**  
915 **opinion from the Department of Law on whether the board has authority to regulate**  
916 **pharmacists providing services in the state but located outside of the state, seconded by**  
917 **Tammy Lindemuth, and approved unanimously, it was:**

918

919 **RESOLVED to request a legal opinion on regulation of out-of-state pharmacy**  
920 **personnel.**

921

	APPROVE	DENY	ABSTAIN	ABSENT
922 Justin Ruffridge	x			
923 Lana Bell	x			
924 Tammy Lindemuth	x			

925

926	James Henderson	x	
927	Ashley Schaber	x	
928	Leif Holm		x
929	Sharon Long		x

930 The motion passed with no further discussion.

931

932 **TASK 17**

933 Laura Carrillo will submit a Department of Law legal opinion request through Deputy Director  
 934 Hoskinson on whether the board can require licensure for out-of-state pharmacy personnel given  
 935 AS 08.80.030(b)(8).

936

937 Purchaser of wholesale drugs

938 Dr. Ruffridge suggests adding to 12 AAC 52.620(d) that professions listed in AS 08.80.400 are  
 939 excluded.

940

941 Monoclonal antibodies

942 Dr. Ruffridge stated the opinion excludes oral antivirals because the FDA prohibits that.

943

944 Dr. Ruffridge called for break at 10:10 a.m.

945

946 *Off record at 10:10 a.m.*

947 *On record at 10:16 a.m.*

948

949 **Agenda Item 6**

**Regulations**

**Time: 10:17 a.m.**

950

951 Regulations out for public comment

952

953 *Fee reductions*

954 Dr. Ruffridge provided an overview of the fee reduction proposals. Ms. Carrillo clarified that this  
 955 is a division regulation so public comments need to be submitted in writing. Public comments are  
 956 accepted through March 4<sup>th</sup>.

957

958 *Military, emergency permit, courtesy license, renewal, and executive administrator*

959 Ms. Carrillo stated this is out for public comment until March 8<sup>th</sup>.

960

961 Remaining regulations project from 2021 (reviewed by LAW)

962

- 963 • *12 AAC 52.020 – pharmacy license.* Ms. Carrillo explained that LAW is striking “checklist”  
 964 because the way it is currently worded already describes items required for licensure.
- 965 • *12 AAC 52.030 – change of pharmacy location or name.* Ms. Carrillo stated this section is being  
 966 struck because it’s proposed to be incorporated into a larger section addressing changes.

- 967 • 12 AAC 52.040 – *Change of pharmacy ownership*. This is also being repealed because it is being  
968 incorporated into a new section.
- 969 • 12 AAC 52.070 – *application for pharmacist license by exam*. The proposed changes include  
970 review and approval of applications to be completed by the board’s executive administrator  
971 instead of by the board and for the transcript be replaced with a copy of the original  
972 diploma. Dr. Ruffridge expressed concern around it being more difficult to require a  
973 certified diploma. Dr. Adams commented that it is significantly easier to get a transcript  
974 sent than a certified copy of a diploma. Ms. Carrillo stated the reason why the transcript  
975 requirement was being repealed initially was because the NABP requires a transcript to  
976 schedule exams. Dr. Schaber, Ms. Lindemuth, and Mr. Henderson agreed to striking both  
977 the diploma and transcript requirement since the NABP already requires the latter. Dr.  
978 Ruffridge called for a motion to repeal 12 AAC 52.070(b)(4).  
979

980 **On a motion duly made by Justin Ruffridge to repeal 12 AAC 52.070(b)(4) pertaining to**  
981 **transcript and diploma requirements, seconded by Tammy Lindemuth, and approved**  
982 **unanimously, it was:**

983  
984 **RESOLVED to repeal 12 AAC 52.070(b)(4).**  
985

	APPROVE	DENY	ABSTAIN	ABSENT
986 Justin Ruffridge	x			
987 Lana Bell	x			
988 Tammy Lindemuth	x			
989 James Henderson	x			
990 Ashley Schaber	x			
991 Leif Holm				x
992 Sharon Long				x

994 The motion passed with further discussion. Mr. Henderson inquired about the process for  
995 granting eligibility to take the NABP exams and how an applicant would receive an authorization  
996 to test (ATT). Dr. Ruffridge clarified that the eligibility section is a separate regulation in 12 AAC  
997 52.092. Ms. Carrillo stated the regulations section exam eligibility is “approval to sit for  
998 examination” whereas ATT is what is issued by the NABP to the applicant after the state  
999 regulatory board has administratively granted the applicant eligibility for the exam. Per the board’s  
1000 earlier discussion on delegating eligibility approval to the NABP, Ms. Carrillo added that the board  
1001 could amend this section and 12 AAC 52.092 so they’re put in place at the same time, as well as  
1002 take into consideration the time it might take to finalize a delegation agreement with the NABP so  
1003 changes occur seamlessly.

1004  
1005 Ms. Carrillo stated not all of 12 AAC 52.070(b)(4) can be repealed because the board still needs to  
1006 address foreign graduates.  
1007

1008 **On a motion duly made by Justin Ruffridge to create a subsection 8 pertaining to foreign**  
1009 **pharmacy graduates and the FPGEC, seconded by Ashley Schaber, and approved**  
1010 **unanimously, it was:**

1011  
1012 **RESOLVED to create a subsection 8 addressing pharmacy graduates and the**  
1013 **FPGEC.**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
1015				
1016	Justin Ruffridge	x		
1017	Lana Bell	x		
1018	Tammy Lindemuth	x		
1019	James Henderson	x		
1020	Ashley Schaber	x		
1021	Leif Holm			x
1022	Sharon Long			x

1023 The motion passed with further discussion.

1024  
1025 The board then discussed affidavits of moral character. Dr. Ruffridge inquired whether this should  
1026 still be a requirement since anyone could write a letter of recommendation for an applicant. Ms.  
1027 Carrillo stated it is in statute, AS 08.80.110. Dr. Ruffridge suggested repealing this but requiring a  
1028 background check. Ms. Carrillo inquired if most employers require background checks, to which  
1029 Dr. Schaber stated most but not all do. Ms. Carrillo then inquired whether the board would want  
1030 to require state-level background checks or national background checks; the former could be done  
1031 via a regulation change but the latter would require a statute change to add the Board of Pharmacy  
1032 to AS 12.62.400. Dr. Schaber expressed interest in continuing to discuss this.

1033  
1034 **TASK 18**

1035 Ms. Carrillo will add national background checks, AS 12.62.400, to the board's next meeting as a  
1036 potential statute change.

1037  
1038 Mr. Henderson inquired about 12 AAC 52.070(b)(6), the requirement to verify 1,500 hours of  
1039 experience and whether it is sent to the NABP. Ms. Carrillo stated it is just reviewed by board staff  
1040 then asked whether this is standard. Dr. Adams stated that 1,700 hours is required in Idaho but  
1041 that all states require at least 1,500 hours. Mr. Henderson suggested striking this subsection  
1042 altogether because every pharmacy school requires that graduates complete a minimum of 1,500  
1043 hours.

1044  
1045 **On a motion duly made by James Henderson to repeal 12 AAC 52.070(b)(6) and replace**  
1046 **this requirement with an attestation and signature, seconded by Justin Ruffridge, and**  
1047 **approved unanimously, it was:**

1048  
1049 **RESOLVED to amend 12 AAC 52.070(b)(6).**

	APPROVE	DENY	ABSTAIN	ABSENT
1050				
1051	Justin Ruffridge	x		
1052	Lana Bell	x		
1053	Tammy Lindemuth	x		
1054	James Henderson	x		
1055	Ashley Schaber	x		
1056	Leif Holm			x
1057	Sharon Long			x

1058 The motion passed with further discussion.

1059  
 1060 **The board then reviewed 12 AAC 52.070(c) regarding eligibility to take the MPJE. Mr.**  
 1061 **Henderson suggested striking this because it is redundant to 12 AAC 52.092, approval to**  
 1062 **sit for examination. On a motion duly made by James Henderson to repeal 12 AAC**  
 1063 **52.070(c), seconded by Justin Ruffridge, and approved unanimously, it was:**

1064  
 1065 **RESOLVED to repeal 12 AAC 52.070(c).**

	APPROVE	DENY	ABSTAIN	ABSENT
1066				
1067				
1068	Justin Ruffridge	x		
1069	Lana Bell	x		
1070	Tammy Lindemuth	x		
1071	James Henderson	x		
1072	Ashley Schaber	x		
1073	Leif Holm			x
1074	Sharon Long			x

1075 The motion passed with further discussion.

1076  
 1077 The board then discussed potential language for the aforementioned changes to 12 AAC  
 1078 52.070(b)(8) and 12 AAC 52.070(b)(6).

1079  
 1080 **On a motion duly made by Tammy Lindemuth to create subsection, 12 AAC 52.070(b)(8),**  
 1081 **to read “...verification that a foreign pharmacy graduate received the Foreign Pharmacy**  
 1082 **Graduate Examination Committee certificate, sent directly to the department by the**  
 1083 **National Association of Boards of Pharmacy, if applicable.”, seconded by Ashley Schaber,**  
 1084 **and approved unanimously, it was:**

1085  
 1086 **RESOLVED to create 12 AAC 52.070(b)(8).**

	APPROVE	DENY	ABSTAIN	ABSENT
1087				
1088				
1089	Justin Ruffridge	x		

1090	Lana Bell	x		
1091	Tammy Lindemuth	x		
1092	James Henderson	x		
1093	Ashley Schaber	x		
1094	Leif Holm			x
1095	Sharon Long			x

1096 The motion passed with no further discussion.

1097  
 1098 **On a motion duly made by Tammy Lindemuth to amend subsection, 12 AAC 52.070(b)(6)**  
 1099 **to read, "...a signed attestation that the applicant has completed the internship hours**  
 1100 **required to graduate from an accredited pharmacy curriculum.", seconded by Ashley**  
 1101 **Schaber, and approved unanimously, it was:**

1102  
 1103 **RESOLVED to amend 12 AAC 52.070(b)(6).**

	APPROVE	DENY	ABSTAIN	ABSENT
1105				
1106	Justin Ruffridge	x		
1107	Lana Bell	x		
1108	Tammy Lindemuth	x		
1109	James Henderson	x		
1110	Ashley Schaber	x		
1111	Leif Holm			x
1112	Sharon Long			x

1113 The motion passed with no further discussion.

- 1114  
 1115
  - *12 AAC 52.080 – Internship requirements for a pharmacist license.* Dr. Ruffridge stated the board
- 1116 *is repealing and replacing 12 AAC 52.070(b)(6) regarding the 1,500 hours, which effectively*
- 1117 *makes 12 AAC 52.080(a) moot.*

1118  
 1119 **On a motion duly made by James Henderson to repeal 12 AAC 52.080, seconded by**  
 1120 **Tammy Lindemuth, and approved unanimously, it was:**

1121  
 1122 **RESOLVED to repeal 12 AAC 52.080.**

	APPROVE	DENY	ABSTAIN	ABSENT
1124				
1125	Justin Ruffridge	x		
1126	Lana Bell	x		
1127	Tammy Lindemuth	x		
1128	James Henderson	x		
1129	Ashley Schaber	x		

1130	Leif Holm	x
1131	Sharon Long	x

1132 The motion passed with discussion from Dr. Ruffridge that the editor’s note covers accreditation.

1133

- 1134 • 12 AAC 52.092 – Approval to sit for examination. The board discussed repealing this
- 1135 section and re-adopting it to reflect delegation of NAPLEX and MPJE approval to the
- 1136 NABP instead of it being done by board of pharmacy staff.

1137

1138 **On a motion duly made by Tammy Lindemuth to repeal and readopt 12 AAC 52.092 to**  
 1139 **read, “An applicant for licensure by examination who has submitted documents that meet**  
 1140 **the requirements set out in 12 AAC 52.070 will be referred to the National Association of**  
 1141 **Boards of Pharmacy by the board pursuant to a written delegation agreement to determine**  
 1142 **eligibility to sit for the North American Pharmacy Licensing Examination (NAPLEX) and**  
 1143 **the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC**  
 1144 **52.090, seconded by Ashley Schaber, and approved unanimously, it was:**

1145

1146 **RESOLVED to repeal and readopt 12 AAC 52.092.**

1147

	APPROVE	DENY	ABSTAIN	ABSENT
1148				
1149	Justin Ruffridge	x		
1150	Lana Bell	x		
1151	Tammy Lindemuth	x		
1152	James Henderson	x		
1153	Ashley Schaber	x		
1154	Leif Holm			x
1155	Sharon Long			x

1156 The motion passed with no further discussion.

1157

- 1158 • *12 AAC 52.095 – Application for Pharmacist License by Reciprocity.* The board first addressed
- 1159 making amendments to subsection (c)(4) like changes made for transcript/diploma
- 1160 requirements in 12 AAC 52.070(b)(4). Mr. Henderson inquired whether this whole section
- 1161 should be repealed. Dr. Schaber agreed, stating that the graduation and license
- 1162 requirements are already included in (c)(6)(7). The board discussed other requirements to
- 1163 repeal. The board discussed the reciprocity language. Dr. Ruffridge noted the language
- 1164 seems to have been copied and pasted from the examination regulations and that some
- 1165 requirements seem odd, such as the language about states participating in the NABP. Dr.
- 1166 Ruffridge stated every state has a board of pharmacy and Dr. Adams stated all state board
- 1167 boards are a member of the NABP. Mr. Henderson stated the license verification
- 1168 requirement makes existing 7 redundant. Dr. Ruffridge suggested to strike proposed (e) on
- 1169 license transfer applications.

1170

1171 On a motion duly made by Tammy Lindemuth to amend 12 AAC 52.095(c) to strike (c)(4),  
 1172 keep (c)(5), repeal (c)(6)-(8), and amend (c)(9) to become (c)(4) to read, “shall submit an  
 1173 application for license transfer through the National Association of Boards of Pharmacy.  
 1174 The license by which the applicant is seeking reciprocity from must be current,  
 1175 unencumbered, and in good standing.” seconded by Ashley Schaber, and approved  
 1176 unanimously, it was

1177  
 1178 **RESOLVED** to amend 12 AAC 52.095(c).  
 1179

	APPROVE	DENY	ABSTAIN	ABSENT
1180 Justin Ruffridge	x			
1181 Lana Bell	x			
1182 Tammy Lindemuth	x			
1183 James Henderson	x			
1184 Ashley Schaber	x			
1185 Leif Holm				x
1186 Sharon Long				x

1187 The motion passed with no further discussion.  
 1188  
 1189

1190 On a motion duly made by Justin Ruffridge to add a new subsection to 12 AAC 52.095 to  
 1191 state, “experience gained during rotation requirements at an accredited institution will be  
 1192 accepted by the board to satisfy AS 08.80.145(5).” seconded by James Henderson, and  
 1193 approved unanimously, it was:

1194  
 1195 **RESOLVED** to add a new subsection to 12 AAC 52.095.  
 1196

	APPROVE	DENY	ABSTAIN	ABSENT
1197 Justin Ruffridge	x			
1198 Lana Bell	x			
1199 Tammy Lindemuth	x			
1200 James Henderson	x			
1201 Ashley Schaber	x			
1202 Leif Holm				x
1203 Sharon Long				x

1204 The motion passed with no further discussion.  
 1205  
 1206

- 1207 • 12 AAC 52.120 - Review of pharmacy intern license application. The board reviewed this  
 1208 section. Ms. Carrillo commented the authorization for release of records requirement isn't  
 1209 standard for all boards. The board discussed repealing this section as well as the  
 1210 authorization for release of records requirements for pharmacists. Chair Ruffridge then

1211 addressed the proposal to make the intern license valid for 5 years instead of 2, stating it  
1212 may be too long.

1213  
1214 **On a motion duly made by Justin Ruffridge to strike the release of records requirement in**  
1215 **12 AAC 52.070(b)(3), 12 AAC 52.092(b)(3), 12 AAC 52.095(b)(3), and 12 AAC 52.120(b)(6),**  
1216 **seconded by James Henderson, and approved unanimously, it was:**

1217  
1218 **RESOLVED to strike the release of records requirement for pharmacists and**  
1219 **interns.**

1220

	APPROVE	DENY	ABSTAIN	ABSENT
1221				
1222	Justin Ruffridge	x		
1223	Lana Bell	x		
1224	Tammy Lindemuth	x		
1225	James Henderson	x		
1226	Ashley Schaber	x		
1227	Leif Holm			x
1228	Sharon Long			x

1229 The motion passed with no further discussion.

- 1230
- 1231 • 12 AAC 52.130 – Registration of pharmacies located outside of the state. The board  
1232 discussed changes to the inspection requirements subsection, (b)(4).

1233  
1234 **On a motion duly made by Justin Ruffridge to amend 12 AAC 52.130(b)(4) to read,**  
1235 **“submits an attestation that a self-inspection report was completed within the last two**  
1236 **years. A self-inspection report shall be made available upon request for the duration of the**  
1237 **licensing period in which it was completed.” seconded by Tammy Lindemuth, and**  
1238 **approved unanimously, it was:**

1239  
1240 **RESOLVED to amend 12 AAC 52.130(b)(4).**

1241

	APPROVE	DENY	ABSTAIN	ABSENT
1242				
1243	Justin Ruffridge	x		
1244	Lana Bell	x		
1245	Tammy Lindemuth	x		
1246	James Henderson	x		
1247	Ashley Schaber	x		
1248	Leif Holm			x
1249	Sharon Long			x

1250 The motion passed with no further discussion

1251

1252 New Regulations

- 1253
- 1254 • 12 AAC 52.120 – Review of pharmacist intern license application. The board returned to
  - 1255 discussing intern regulations. Ms. Carrillo explained the document before the board was
  - 1256 written when she and Dr. Schaber were working on the disciplinary matrix; Dr. Schaber
  - 1257 had pulled up NABP model laws pertaining to intern licensure. Ms. Carrillo noted the
  - 1258 board’s current regulations addresses graduates of foreign pharmacy programs but doesn’t
  - 1259 have the same language for non-foreign graduates, stating it is unclear whether the existing
  - 1260 language allows recent graduates to apply for an intern license or only those who are
  - 1261 presently enrolled. The language only states the applicant must be enrolled, but it could be
  - 1262 interpreted as being in past and present tense. The board reviewed the suggested language.
  - 1263

1264 **On a motion duly made by Tammy Lindemuth to amend 12 AAC 52.120(b)(3)(A) to read,**

1265 **“presently enrolled in a college of pharmacy accredited by the ACPE and is satisfactorily**

1266 **progressing toward meeting the requirements for licensure as a pharmacist; or” seconded**

1267 **by Ashley Schaber, and approved unanimously, it was:**

1268

1269 **RESOLVED to amend 12 AAC 52.120(b)(3)(A).**

1270

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
1271 Justin Ruffridge	x			
1272 Lana Bell	x			
1273 Tammy Lindemuth	x			
1274 James Henderson	x			
1275 Ashley Schaber	x			
1276 Leif Holm				x
1277 Sharon Long				x

1278

1279 The motion passed with no further discussion.

1280

1281 **On a motion duly made by Tammy Lindemuth to amend 12 AAC 52.120(b)(3)(B) to read,**

1282 **“a graduate of an accredited professional degree program from a school or college of**

1283 **pharmacy within one year preceding the date of this application.” seconded by Ashley**

1284 **Schaber, and approved unanimously, it was:**

1285

1286 **RESOLVED to amend 12 AAC 52.120(b)(3)(B).**

1287

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
1288 Justin Ruffridge	x			
1289 Lana Bell	x			
1290 Tammy Lindemuth	x			
1291 James Henderson	x			

1293	Ashley Schaber	x	
1294	Leif Holm		x
1295	Sharon Long		x

1296 The motion passed with no further discussion; however, Ms. Carrillo clarified existing subsection  
 1297 (b)(3)(B) would become (b)(3)(C).  
 1298

- 1299 • 12 AAC 52.540 – Notification of theft or significant loss. Dr. Schaber stated there’s a  
 1300 requirement to send the form to the DEA within 1 day, but that there isn’t a current  
 1301 timeframe requirement for when to send this to the board. Dr. Schaber shared that states  
 1302 have different requirements, like Arizona, which requires the form to be submitted within  
 1303 10 days. Mr. Henderson inquired whether there is a corresponding statute obligation for  
 1304 pharmacies to submit this. Dr. Schaber stated AS 08.80.157 requires pharmacies to report  
 1305 this. Lorri Walmsley from the Arizona Board of Pharmacy shared they are considering  
 1306 extending the 10-day requirement because it often does take longer to complete the  
 1307 investigation. Dr. Ruffridge believes there should not be a time limit since they are already  
 1308 required to submit it to the DEA. Dr. Ruffridge stated it has not been an issue for the  
 1309 board, so a time limit shouldn’t be imposed now. Ms. Walmsley added that the DEA is  
 1310 considering also extending their 1-day timeframe to 30 days. Ms. Carrillo inquired about  
 1311 loss/theft notifications for wholesalers as many are inquiring whether this is a requirement  
 1312 in Alaska. Dr. Ruffridge suggested adding this as a new regulation item.  
 1313

1314 **TASK 19**

1315 Laura Carrillo will add wholesalers to the board’s next meeting agenda for a potential change to 12  
 1316 AAC 52.540 regarding notification of theft or significant loss.  
 1317

- 1318 • 12 AAC 52.900 – Display of license certificate. Ms. Carrillo shared that the division plans  
 1319 to no longer print license certificates on license paper, but that it can still be printed on  
 1320 regular paper either by the division or by the licensee via MYLICENSE. Ms. Lindemuth  
 1321 stated that as a member of the public, she appreciates being able to see these displayed at  
 1322 pharmacies because it ensures the licensee has gone through the proper process, and that it  
 1323 adds a level of trust in the provider. Dr. Schaber stated there may also be a requirement by  
 1324 CMS and/or Joint Commission to have it displayed.  
 1325

1326 **On a motion duly made by Tammy Lindemuth to repeal and readopt 12 AAC 52.990 to**  
 1327 **state, “A licensee shall conspicuously display, in the practice site, the licensee’s current**  
 1328 **license certificate.” seconded by Justin Ruffridge, and approved unanimously, it was:**  
 1329

1330 **RESOLVED to repeal and readopt 12 AAC 52.990.**  
 1331

	APPROVE	DENY	ABSTAIN	ABSENT
1332				
1333	Justin Ruffridge	x		
1334	Lana Bell	x		



1377 and/or contain unsafe materials. It was found that 95% of websites reviewed don't require a valid  
1378 prescriptions and 83% of websites offer drugs not authorized by the FDA.

1379  
1380 Mr. Macy then demonstrated to the board a fake online pharmacy site which uses a counterfeit  
1381 FDA approval logo and with drugs being sold in dosages never seen in retail pharmacies. Mr.  
1382 Macy also showed the board how criminals were able to hack into a medical detox program  
1383 website, getting into their URL and adding new pages to sell drugs illegally. If one were ever to  
1384 search for this detox program, they would never find the illegal page; however, if someone  
1385 searched "Xanax online", they would be able find it.

1386  
1387 Mr. Macy stated the .Pharmacy program is recognized by Google, Visa, Twitter, and other  
1388 domains. The NABP owns .Pharmacy, meaning nobody can have a .pharmacy TLD without  
1389 going through approval and accreditation process. Before the board were examples of state  
1390 regulations and legislation around Internet pharmacies. Dr. Ruffridge stated that Alaskans have lot  
1391 of remote communities shifting customers to look online, especially during COVID-19, then  
1392 asked Mr. Macy which state may have the best model laws. Mr. Macy stated the perfect model  
1393 doesn't exist. States have to think about what works for their patients and demographics, for  
1394 example, DC pharmacies must be a recognized VIPPS Program, which is a pre-requisite to the  
1395 .Pharmacy program, but only if they are solely an Internet pharmacy. Mr. Macy added that this  
1396 then begs the question about whether pharmacies that aren't solely based online have to comply.

1397  
1398 Since regulation of out-of-state pharmacies has been an ongoing topic of discussion for the last  
1399 several years, Dr. Ruffridge expressed continuing discussion on this, particularly as a statute  
1400 change.

1401  
1402 **TASK 23**  
1403 Laura Carrillo will add Internet pharmacies and licensing of out-of-state pharmacies to the agenda  
1404 at the board's next meeting.

1405  
1406 **Agenda Item 9**                      **Statutes**                                      **Time: 2:18 p.m.**

1407  
1408 White bagging/Brown bagging (Caren Robinson)  
1409 Ms. Robinson shared that she had been working with Senator Olson on draft legislation related to  
1410 patient choice and white bagging/brown bagging but was regretful in having to inform the board  
1411 it may not be introduced this year.

1412  
1413 Board statute interests  
1414 Ms. Carrillo stated there was some momentum a few years ago to get a statute project going, but at  
1415 present there isn't a comprehensive and updated draft. Dr. Ruffridge recommended the board  
1416 start working towards a statute draft to be ready by this summer to potentially ask for Governor  
1417 Dunleavy's support, or alternatively, to have a project ready by the fall to seek legislative sponsors.

1418  
1419 The board discussed the following topics but decided not to pursue further efforts at this time:

- 1420
- 1421       ⊗ National certification (New; board can require nationally certification of existing licensed
- 1422            technicians per LAW opinion)
- 1423       ⊗ Equivalent drug products (AS 08.80.400; already in HB 145)
- 1424       ⊗ Pharmacist reimbursement and recognition as providers (already in HB 145)
- 1425       ⊗ The board identified the following areas to potentially build a statute project:

1426

1427   The board ultimately decided to pursue further efforts for the following:

1428

- 1429       ✓ Requiring licensure for out-of-state pharmacists (AS 08.80.030)
- 1430       ✓ Regulating .Pharmacy/VIPPS Internet Programs (AS 08.80.158)
- 1431       ✓ Regulating automated dispensing machines (AS 08.80.400)
- 1432       ✓ Adding “apothecary” to prohibited terms (AS 08.80.420)
- 1433       ✓ Add technician seat to board membership; possibly remove 1 public seat (AS 08.80.010)
- 1434

1435   **TASK 24**

1436   Laura Carrillo will add statute interests to the board’s annual report as well as to subsequent

1437   meeting agendas for further discussion.

1438

1439   Legislation

1440   *HB 237 – pharmacists; dispensing of medication for treatment of COVID-19 and related diseases.*

1441   Mr. Henderson stated that the language compelling pharmacists to not evaluate the medication for

1442   patient safety is in direct contradiction to what pharmacists do and Dr. Schaber added it is in the

1443   listed in the practice of pharmacy definition in AS 08.80.400(30). Dr. Ruffridge was puzzled on

1444   how this made its way through legislative drafting. Mr. Henderson stated that this bill is

1445   unnecessary because our board has never denied a license or imposed a disciplinary section for

1446   dispensing a medication as prescribed by a physician, nor have threatened to discipline. Dr.

1447   Ruffridge expressed that a mandate to dispense any medication sets a dangerous precedence.

1448

1449   **On a motion duly made by Justin Ruffridge to oppose HB237, an act relating to**

1450   **pharmacists dispensing medication for treatment of COVID-19 and related diseases for**

1451   **reasons stated on the record, seconded by Lana Bell, and approved unanimously, it was:**

1452

1453           **RESOLVED to oppose HB237.**

1454

	APPROVE	DENY	ABSTAIN	ABSENT
1455				
1456	Justin Ruffridge	x		
1457	Lana Bell	x		
1458	Tammy Lindemuth			x
1459	James Henderson	x		
1460	Ashley Schaber	x		

1461	Leif Holm	x
1462	Sharon Long	x

1463 The motion passed with no further discussion.

1464  
 1465 *HB 145 – Expand pharmacist authority.*  
 1466 Dr. Schaber reiterated previous statements that this was a collaboration with the AKPhA and the  
 1467 board of pharmacy and should be supported. Dr. Ruffridge agrees it should be supported,  
 1468 highlighting it includes non-discrimination language on pharmacists with regards to insurance  
 1469 reimbursement. Dr. Ruffridge further stated the bill should be supported for the following  
 1470 reasons:

- 1471
- 1472 • Clarifies language to more closely align with what pharmacists can legally do within their
- 1473 existing scope of practice;
- 1474 • Adds non-discrimination language for pharmacists with regards to reimbursement;
- 1475 • Was a collaboration between the AKPhA and the board to elevate pharmacy practice; and
- 1476 • Expands workforce capacity by allowing a pharmacy technician working under the
- 1477 direction of a pharmacist to administer vaccines or related emergency medication.
- 1478

1479 **On a motion duly made by Justin Ruffridge to support HB145, an act to expand**  
 1480 **pharmacist authority, seconded by Lana Bell, and approved unanimously, it was:**

1481  
 1482 **RESOLVED to support HB145.**  
 1483

	APPROVE	DENY	ABSTAIN	ABSENT
1484				
1485	Justin Ruffridge	x		
1486	Lana Bell	x		
1487	Tammy Lindemuth			x
1488	James Henderson	x		
1489	Ashley Schaber	x		
1490	Leif Holm			x
1491	Sharon Long			x

1492 The motion passed with no further discussion.

1493  
 1494 *HB91/SB132 – Exempt veterinarians from PDMP.*  
 1495 Mr. Henderson stated it Dr. Delker’s concerns made sense, for example with birthdays and names  
 1496 of pets not matching up. Dr. Schaber also appreciated hearing the perspective of Dr. Delker but  
 1497 suggested the board should continue to stay neutral as per the letter submitted last year. Mr.  
 1498 Henderson expressed interest in freeing up time for veterinarians otherwise spent on the PDMP.  
 1499 Dr. Ruffridge stated that in the past, the board has addressed ways to improve matters but that  
 1500 solutions have not worked. Dr. Ruffridge’s opinion is that the veterinarians should be exempt.  
 1501

1502 Ms. Bell inquired whether intentionally hurting animals is actually occurring. Ms. Carrillo stated  
 1503 she’s received calls from veterinarians who believed clients were intentionally hurting their pets.  
 1504 Ms. Carrillo added she referred the veterinarians to file a complaint with the investigative unit so  
 1505 does not know the outcome of those concerns. Dr. Ruffridge shared that the DEA has also heard  
 1506 of veterinarians reporting that clients hurt their animals. Ms. Carrillo added there are concerns  
 1507 across many professions with time constraints but recommended delegating reviewing and  
 1508 reporting duties to delegates, since only 18% of authorized veterinarian delegates are registered.  
 1509 Dr. Ruffridge further expressed support for this bill for the following reasons:

- 1510
- 1511 • Drug diversion from pets has not been an issue in Alaska;
- 1512 • Requirements are burdensome in an already understaffed field; and
- 1513 • Excusing veterinarians aligns better with the intent for the PDMP to function properly.
- 1514

1515 **On a motion duly made by Justin Ruffridge to support HB91/SB132, an act to exempt**  
 1516 **veterinarians from the PDMP,seconded by Lana Bell, and approved by the majority with one**  
 1517 **nay, it was:**

1518

1519 **RESOLVED to support SB132.**

1520

	APPROVE	DENY	ABSTAIN	ABSENT
1521 Justin Ruffridge	x			
1522 Lana Bell	x			
1523 Tammy Lindemuth				x
1524 James Henderson	x			
1525 Ashley Schaber		x		
1526 Leif Holm				x
1527 Sharon Long				x

1528 The motion passed with no further discussion.

1529

1530

1531 *HB 266 – information regarding vaccines.*

1532 Dr. Ruffridge reviewed this legislation and commented that adding a definition to “vaccine” is  
 1533 unnecessary and expressed opposition that vaccines are designed to be administered only after the  
 1534 patient gives voluntary consent, when this is not what it is designed for. Dr. Schaber expressed an  
 1535 interest in staying neutral. Mr. Henderson also expressed opposition. Dr. Ruffridge further  
 1536 expressed opposition for this bill for the following reasons:

- 1537
- 1538 • the definition of vaccine is already implied in the definition of “biological product” in AS
- 1539 08.80.480; and
- 1540 • there is redundancy with regulations in regard to the independent administration of
- 1541 vaccines, including consent, reporting to VAERS, requiring emergency protocols, requiring
- 1542 training prior to giving a vaccine, requiring a display of certificate of training, requiring
- 1543 CPR/AED, and vaccine storage handling and maintenance.

1544 On a motion duly made by James Henderson to oppose HB266, an act related to vaccine  
 1545 information, seconded by Justin Ruffridge, and approved unanimously, it was:

1546  
 1547 **RESOLVED to oppose HB266.**  
 1548

	APPROVE	DENY	ABSTAIN	ABSENT
1550 Justin Ruffridge	x			
1551 Lana Bell	x			
1552 Tammy Lindemuth				x
1553 James Henderson	x			
1554 Ashley Schaber	x			
1555 Leif Holm				x
1556 Sharon Long				x

1557 The motion passed with no further discussion.

1558  
 1559 *HB306 – Board of Pharmacy sunset.*

1560 Dr. Ruffridge stated HB306 should be supported so the board can:

- 1561
- 1562 • Benefit Alaskans by promulgating regulations and enforcing regulations for operating
- 1563 pharmacies.
- 1564 • Administer the PDMP regarding access to dispensing of controlled substances.
- 1565 • Ensure the practice of pharmacy complies within state law.
- 1566 • Participate in investigative matters to protect the profession and public.
- 1567 • Participate in national association activities and collaborate with other state boards.
- 1568 • Review state exam items regularly and ensure competent applicants can pass them to
- 1569 qualify for licensure.
- 1570 • Ensure patients have safe and efficient access to medications.
- 1571 • Ensure the practice of pharmacy is collaborative and cohesive.

1572  
 1573 Ms. Carrillo also inquired whether she could add the following highlights of board activity:

- 1574
- 1575 • Implementing regulations for third-party logistics providers, outsourcing
- 1576 facilities, and third-party logistics providers to improve the safety of the drug
- 1577 supply chain.
- 1578 • Expanding workforce capacity by creating new regulations and duties for
- 1579 pharmacy technicians who hold a national certification.
- 1580 • Expanding the limitation on prescription supply days to ensure patients have an
- 1581 adequate supply of medication.
- 1582 • Emergency regulations filed in response to the COVID-19 pandemic, allowing
- 1583 expanded shared pharmacy services functions and temporary pharmacy

1584 relocations without requiring a separate license, promoting continuation of  
 1585 medication therapy, and providing support to licensees on PREP Act inquiries.  
 1586

1587 **On a motion duly made by Justin Ruffridge to support HB306, an act to expand**  
 1588 **pharmacist authority, seconded by James Henderson, and approved unanimously, it was:**  
 1589

1590 **RESOLVED to support HB306.**  
 1591

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
1592 Justin Ruffridge	x			
1593 Lana Bell	x			
1594 Tammy Lindemuth				x
1595 James Henderson	x			
1596 Ashley Schaber	x			
1597 Leif Holm				x
1598 Sharon Long				x

1600 The motion passed with no further discussion.  
 1601

1602 **TASK 25**

1603 Ms. Carrillo will send the letters of opposition and support for introduced legislation for them to  
 1604 be submitted to the bill sponsors.  
 1605

1606 **Agenda Item 10**

**Public Comment #4**

**Time: 4:02 p.m.**

1607  
 1608 *Sara Coburn*

1609 Ms. Coburn stated she is on the board for Alaska veterinary association and expressed thanks to  
 1610 the board for their consideration of SB132. Ms. Coburn spoke to the comments of animal abuse,  
 1611 reiterating it is a crime, separate from the PDMP, and is reported accordingly. She added there are  
 1612 very few cases of animal abuse found through drug diversion and the PDMP.  
 1613

1614 *James Delker*

1615 Dr. Delker expressed his appreciation for the board’s consideration. Dr. Delker emphasized that  
 1616 fines that will continue and it will to veterinarians to cover increased investigative costs. Dr.  
 1617 Delker stated veterinarians can continue to support the ongoing opioid crisis by requiring  
 1618 continuing education and finding other ways to report.  
 1619

1620 *Rachel Bergartt*

1621 Dr. Bergartt also spoke to opioid-specific continuing education in the fight to continue engaging  
 1622 as part of the solution. Dr. Bergartt emphasized that the veterinarian community is struggling but  
 1623 wanted to offer assurances to the pharmacy board that it would continue efforts to address the  
 1624 opioid crisis, such as requiring opioid-specific continuing education. She then spoke to comments  
 1625 about delegates, stating there simply aren’t enough delegates for each veterinarian.

1626 **Agenda Item 11** Administrative Update **Time: 4:02 p.m.**

1627  
1628 Annual reports  
1629 Ms. Carrillo stated that 40% of out-of-state pharmacies have not yet submitted their annual  
1630 reports as of 02/09/2022 and stated another notice will be sent out reminding these pharmacies  
1631 they are past due. Dr. Ruffridge requested an update on annual reports

1632  
1633 Cooperative practice agreements  
1634 Ms. Carrillo shared the update that she and the State Medical Board's executive administrator,  
1635 Natalie Norberg, have continued to meet to develop a joint application and process for  
1636 cooperative practice agreements to be reviewed/approved. The efforts are ongoing.

1637  
1638 Renewal roll-out  
1639 Renewal applications will be available on/around April 1<sup>st</sup>.

1640  
1641 ListServ notices  
1642 The board reviewed notices sent through the ListServ since its last meeting, including PDMP  
1643 regulation updates, the board's continuing education matrix, and information related to COVID-  
1644 19 therapeutics.

1645  
1646 MPJE pass rates  
1647 The average Alaska MPJE pass rate is around the mid 70% range.

1648  
1649 Upcoming travel/conferences/training  
1650 The NABP's 118<sup>th</sup> Annual Meeting will be held from May 19-21, 2022 in Phoenix, AZ. Dr.  
1651 Schaber or Dr. Ruffridge plan to attend. Ms. Carrillo and Dr. Schaber will also volunteer for the  
1652 MPJE writing workshop remotely in mid-March.

1653  
1654 Set next meeting dates  
1655 The board set the next 2022 meeting dates as follows:

- 1656
- 1657 • Friday, March 25 – special meeting to adopt regulations 9:00 – 1:00 via Zoom
  - 1658 • June 2 and 3 – in Anchorage
  - 1659 • September 22 and 23 – Anchorage
  - 1660 • November 17, 18 – Anchorage

1661  
1662 **TASK 26**  
1663 Laura Carrillo will provide an update on out-of-state pharmacies who have since submitted their  
1664 annual report at the board's next meeting.

1665  
1666 **TASK 27**  
1667 Laura Carrillo will submit an out-of-state travel approval request for Dr. Schaber or Dr. Ruffridge  
1668 to attend the NABP's 118<sup>th</sup> Annual Meeting in Phoenix, AZ.

1669 **TASK 28**

1670 Laura Carrillo will submit in-state travel approval requests for meetings to be held in Anchorage  
1671 on June 2-3, September 22-23, and November 17-18.

1672

1673

1674

1675 *Laura Carrillo* 06/23/2022

1676 Laura Carrillo, Executive Administrator Date

1677

1678

1679 Justin Ruffridge 06/23/22

1680 Justin Ruffridge, Chair Date

1681