

**STATE OF ALASKA  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
ALASKA STATE BOARD OF PHARMACY**

**MINUTES OF MEETING**

**FEBRUARY 13-14, 2003**

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 was held on February 13-14, 2003 at the Atwood Building, 550 West 7<sup>th</sup> Ave. Suite 602, Anchorage, AK.

**Agenda Item 1    Call to Order/Roll Call**

The meeting was called to order by Margaret Soden, Chair, February 13, 2003 at 1:00 p.m. Those present, constituting a quorum of the board, were:

Margaret Soden, R.Ph.  
Ron Miller, R.Ph.  
Cindy Bueler, R.Ph.  
Gerry Knasiak  
Mark Bohrer, R.Ph.  
Laura Lee Nelson, R.Ph.

Present from the Division of Occupational Licensing was:

Barbara Roche, Licensing Examiner

Visitors present were:

Rick Younkings, Investigator (Agenda Item 7)  
Colin Matthews, Investigator (Agenda Item 7)  
Nancy Davis, Executive Director Alaska Pharmaceutical Association (Agenda Item 9)  
Angie Leboeuf, Board President Alaska Pharmaceutical Association (Agenda Item 9)  
Nancy Lewis, Purdue Pharma, LP Representative  
Ed Brezinski, Telepharmacy Solutions (Public Comment)  
Scott Tegue, Telepharmacy Solutions (Public Comment)  
Chris Coursey, Director of Pharmacy, Alaska Regional Hospital (New Business)

**Agenda Item 2    Review of Agenda**

A collaborative practice application for Providence Alaska Medical Center was added to the Agenda Item 14 – Review Protocol Applications.

Discussion of Inspection Reports for new pharmacies was added to Agenda Item 22 – New Business.

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

**RESOLVED to approve the agenda, as amended.**

**Agenda Item 3 Review of Minutes**

The board reviewed the minutes from the October 3-4, 2002 meeting.

**On a motion duly made by Ms. Bueler, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to approve the minutes of the October 3-4, 2002 meeting, as presented.**

The board reviewed the minutes from the October 30, 2002 teleconference.

**On a motion duly made by Ms. Bueler, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to approve the minutes of the October 30, 2002 teleconference, as presented.**

**Agenda Item 4 Ethics Disclosure**

There were no ethics violations to disclose.

**Agenda Item 5 Review of Goals and Objectives**

1. The board will continue to educate licensees regarding the Pharmacy Practice Act and pharmacy regulations.
2. The board will continue to provide input and comment on any proposed legislation/regulations involving medications or pharmaceutical care.
3. The board will continue to promote effective patient counseling by licensees.
4. The board will continue to assess and evaluate the Multi-state Pharmacy Jurisprudence Examination (MPJE).
5. The board will continue to assess and evaluate the jurisprudence practice exam and its effectiveness as a learning tool for interns.
6. The board will continue to assess and evaluate the licensing of pharmacy technicians.

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7. (Revise Goal 7 – change out-of state travel from “attendance at the annual NABP meeting” to “attendance at the District Seven NABP meeting.”) The board will continue their affiliation with NABP and send one board member to the District Seven NABP meeting and two members to the annual NABP meeting. The Division’s budget currently allows one out-of-state travel per fiscal year; this is generally used for attendance at the District Seven NABP meeting.
8. The board will continue to evaluate the need for regulations specific to facility activities (i.e.; retail pharmacies, drug rooms, institutional pharmacies, home infusion pharmacies, nuclear pharmacies, sterile products, etc.).
9. The board will continue to evaluate regulations regarding the electronic transmission of prescriptions.
10. The board will continue to evaluate regulations regarding collaborative practice and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.
11. (Revise Goal 11 – change “address” to “access and evaluate”). The board will assess and evaluate the growing public concern regarding abuse of prescription drugs.
12. The board will pursue applicants for the vacant public member board position.

**Agenda Item 6 Review of Proposed Regulation Changes**

Ms. Soden reviewed the steps in the regulation process and stressed that the board consider the cost to private persons of any proposed regulatory action.

The following regulation change is effective January 23, 2003:

- 12 AAC 52.230(a)(2) Exempts inventory personnel from the licensing requirements of pharmacy technicians.

The board reviewed the following “draft” regulation:

- 12 AAC 52.030(a)(3) Return of Existing Pharmacy License for Change of Name or Change of Location Applications.

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

**RESOLVED to approve draft regulation 12 AAC 52.030(a)(3) as written.**

The board noted that adopting these regulations would not result in any cost to private persons.

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The board reviewed the following "draft" regulation:

- 12 AAC 52.120 Review of pharmacist intern license application.

**On a motion duly made by Mr. Miller, seconded by Ms. Bueler, and approved unanimously, it was**

**RESOLVED to approve draft regulation 12 AAC 52.120 as written.**

The board noted that adopting these regulations would not result in any cost to private persons.

The board reviewed the following "draft" regulation:

- 12 AAC 52.130 Review of applications for registration of pharmacies located outside of the state.

**On a motion duly made by Ms. Nelson, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to approve draft regulation 12 AAC 52.130 as amended. 12 AAC 52.130(b)(2) is amended to read: "pays the out of state pharmacy license fee required in 12 AAC 02.310."**

The board noted that adopting these regulations would not result in any cost to private persons.

The board reviewed the following "draft" regulation:

- 12 AAC 52.990 Display of license certificate.

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

**RESOLVED to approve draft regulation 12 AAC 52.990 as written.**

The board noted that adopting these regulations would not result in any cost to private persons.

The board reviewed the following "draft" regulation:

- 12 AAC 52.995 Definition of "continually practicing pharmacy."

**On a motion duly made by Mr. Miller, seconded by Mr. Bohrer, and approved unanimously, it was**

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**RESOLVED to adopt draft regulation 12 AAC 52.995  
as written.**

The board noted that adopting these regulations would not result in any cost to private persons.

The licensing examiner reported that the status of other regulation projects is "ongoing." The Regulations Specialist is continuing to work on the following regulation projects:

- 12 AAC 02.310 Amendment to Occupational licensing fees for the Board of Pharmacy."

**Agenda Item 8 Long - Term Care Facilities**

- Med-paks – Ms. Soden reported that the Board of Nursing has adopted the language for Med-pak standards recommended by the Board of Pharmacy chair.

**Agenda Item 17 Discuss Prescription Drug Abuse Issues**

- New Medicaid reporting regulations have helped in controlling drug abuse. Physicians are being more responsive because of oversight regulations and drug testing of patients.
- Ron Miller discussed H.R.5503, a bill to establish electronic monitoring of Schedule II, III, and IV controlled substances. Whether such a national data bank would be effective or affordable remains to be seen.
- New HIPPA Privacy Regulations were discussed as they relate to communications of possible prescription drug abuse.

OFF record: 2:20 p.m.

Back on record: 2:30 p.m.

**Agenda Item 7 Investigative Report**

Investigators Rick Younkens and Colin Matthews joined the meeting at 2:30 p.m.

REVIEW REPORT: The board reviewed the investigative report provided by Mr. Younkens, noting that there were 20 open cases. There was one licensing action and five cases are closed.

INVESTIGATIVE PROCESS: As part of the Investigative Priorities set by the board, Mr. Younkens reported that

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investigators have continued to make unannounced visits to pharmacies to check for compliance with counseling, licensing and facility standard requirements.

CASE #2600-03-001: A voluntary surrender of a pharmacist license was presented to the board. The case is the result of an active investigation of diversion by a pharmacist.

**On a motion duly made by Mr. Bohrer, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to enter executive session in accordance with Alaska Statute AS 44.62.310(c)(2) to discuss the Surrender of Pharmacist License Case #2600-03-001.**

The board entered executive session at 2:40 p.m.

The board went back on the record at 2:45 p.m.

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

**RESOLVED to adopt the Surrender of Pharmacist License Case #2600-03-001 as presented.**

For the record, Case #2600-03-001 is a voluntary surrender agreement for Roberta Budzinski, Pharmacist License No. 855.

Ms. Soden signed the original surrender and presented it to Mr. Younkins.

Investigators, Mr. Younkins and Mr. Matthews departed from the meeting at 2:55 p.m.

Ms. Nelson noted that, as a matter of public record, case numbers and names of licensees with revoked, suspended or restricted licenses should be noted in the Board of Pharmacy Newsletter.

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**Agenda Item 9 Report by AK Pharmaceutical Association**

Nancy Davis, new Executive Director of the Alaska Pharmaceutical Association, joined the meeting at 2:55 p.m. Ms. Davis discussed legislation that the Association is pursuing, including House Bill No. 32 (Uniform Prescription Drug Card). Ms. Davis announced that the Association convention will be held February 28, 2003 – March 2, 2003. Ms. Soden will give a Board of Pharmacy update on regulation changes at the March 2, 2003 convention business meeting.

Ms. Davis reported that the Association is looking at changing its name to the Alaska Pharmacist Association or the Alaska Pharmacy Association. A ballot has been sent to Association members for a vote on the name change.

The issue of illegal reimportation of drugs from Canada was discussed and Ms. Davis pointed out that some American pharmaceutical companies are refusing to sell to foreign pharmacies that don't follow U.S. import laws. The National Board of Pharmacy VIPPS (Verified Internet Pharmacy Practice Sites) certification program now extends to Canadian Internet pharmacies.

Ms Angie LeBoeuf, President of the Alaska Pharmaceutical Association Board, joined the meeting at 3:10 p.m. Ms. LeBoeuf reported that the Association legislative committee studied several states' telepharmacy regulations. The Association legislative committee drew up eight key points, and copies of the legislative committee telepharmacy report were given to the board members. Ms. Soden noted that the Board of Pharmacy is currently looking at adding telepharmacy regulations, and the board will be discussing this issue under New Business.

**Agenda Item 10 Public Comment**

Public comment period was opened at 3:30 p.m.

TELEPHARMACY SOLUTIONS (Ed Brezinsky & Scott Tegue) presented information on their company's development and implementation of telepharmacy enabled point of care drug dispensing technologies. Mr. Brezinsky and Mr. Tegue emphasized that their dispensing system, which includes electronic transmittal of prescriptions, video links, bar code controls and dispensing cabinets, enables cost effective dispensing of prescriptions in remote or under-served locations.

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Mr. Miller emphasized that new telepharmacy regulations should not be written around a particular company's technology or system.

ALASKA PHARMACEUTICAL ASSOCIATION, Angie LeBoef requested that the Board support federal legislation (S. 1806 Pharmacy Education Aid Act of 2002 – a companion to H.R. 2173 – Pharmacy Education Aid Act of 2001) that aids pharmacy students. Ms. LeBoef noted that the current Western Interstate Commission on Higher Education WICHE program does not help Alaskan Pharmacy students.

Public comment period was closed at 4:00 p.m.

**On a motion duly made by Mr. Miller, seconded by Ms. Nelson, it was**

**RESOLVED to adjourn until tomorrow morning, February 14, 2003, at 9:00 a.m.**

**Recess**

The Board recessed at 4:05 p.m.

**Agenda Item 11 Call to Order/Roll Call**

The meeting was called to order by Margaret Soden, Chair, February 14, 2003, at 9:00 a.m. Those present, constituting a quorum of the board, were:

Margaret Soden, R.Ph.  
Mark Bohrer, R.Ph.  
Ron Miller, R.Ph.  
Gerry Knasiak

Present from the Division of Occupational Licensing was:

Barbara Roche, Licensing Examiner

Joining the meeting at 9:05 a.m. were:

Laura Lee Nelson, R.Ph.  
Cindy Bueler, R.Ph.

**Agenda Item 12 Review of Agenda**

A discussion of application procedures for new pharmacies was added to Agenda Item 22, New Business.



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**On a motion duly made by Mr. Miller, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to approve the agenda, as amended.**

**Agenda Item 13 Review of License Applications**

The board reviewed the following applications and their recommendations were read into the record:

Pharmacist Applications:

- MINE-HWA CHEN- Pharmacist License- Approve, pending passing score on MPJE and license verifications from TX, FL, OH, MA.
- JAMES D. DAY- Pharmacist License- Approve, pending passing score on MPJE and NAPLEX exams.
- AIMEE BETH MOYERS- Pharmacist License- Approve pending passing score on MPJE and final NABP Report.
- LEAH G. SCADDER- Pharmacist License- Approve pending passing score on MPJE and final NABP Report.
- JENNIFER LYNN SWANSON - Pharmacist License- Approve, pending passing score on MPJE and license verification from CA.
- SALLY WILHELM- Pharmacist License – For Information Only – Investigation closed.
- ARIK SKOOG – Pharmacist License – Denied, based on AS 08.80.003 and 12 AAC 52.075 Good Moral Character and possible unlicensed practice. The Board requested that if unlicensed practice was confirmed that the pharmacy that employed this applicant be reprimanded.

Pharmacy Applications:

- SEARHC Juneau Medical Center Pharmacy - Application for Location Change - Approved pending return of original facility license.
- OPTIONCARE, INC (Ann Arbor, MI) – New application - Approved.

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- PEDIATRIC SERVICE OF AMERICA, INC (Pharmacy Services of America) – Change location application - Approved.
- SPECIALTY PHARMACY SERVICES BY ECKERD #8000 – New application – Approved pending inspection report.
- WAL-MART PHARMACY 10-5315 (Lake Mary, FL) – New application – Approved pending inspection report.

**On a motion duly made by Mr. Miller, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to approve the action taken on the applications as read into the record.**

**Agenda Item 14 Review of Protocol Applications**

- BARTLETT REGIONAL HOSPITAL (Barbara A. Stephenson, R.Ph - Resubmitted protocol application for Umbrella Protocol. The application is signed by the physician, but the protocol is not signed. Ms. Bueler drafted a letter to the applicant stating that the application is approved pending receipt of the signed protocol.
- FAIRBANKS MEMORIAL HOSPITAL, Fairbanks, AK (John Cotter R.Ph & all pharmacists at Fairbanks Memorial) Fairbanks Memorial Hospital Collaborative Practice Agreement (Marvin Bergeson, MD) - Approved
- NORTH POLE PRESCRIPTION LAB, INC., North Pole, AK (Richard C. Holm, R.Ph) Emergency Contraception Collaborative Practice (Judy Miles, ANP) - Approved.
- COSTCO PHARMACY #63, Debarr Rd., Anchorage, AK (D'Lynn Wynne, R.Ph; Katherine McFarland, R.Ph & all pharmacists at Costco Pharmacy #63) Emergency Contraception Collaborative Practice (Colleen M. Murphy, MD) - Approved.
- WHITE'S PHARMACY, Halibut Point Rd, Sitka, AK (Rosemary Sheldon, R.Ph) Emergency Contraception Collaborative Practice (Robert Thomas, MD) – Approved pending clarification that training for procedures has been completed.
- HEWITTS PHARMACY, Northern Lights, Anchorage, AK (Robert Niebert) Emergency Contraception Collaborative Practice (Colleen M. Murphy, MD) - Approved.

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- PROVIDENCE ALASKA MEDICAL CENTER INPATIENT PHARMACY (James Moran, R.Ph and all pharmacist at Providence Alaska Medical Center Inpatient Pharmacy) Providence Alaska Medical Center Pharmacist Collaborative Practice – Application resubmitted with a new signature - Approved.

**On a motion duly made by Mr. Bohrer, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to approve the action taken on the Collaborative Practice applications as read into the record.**

**Agenda Item 15 Review Continuing Education Audit**

The Board reviewed continuing education verification sent in by audited pharmacists and pharmacy technicians.

Pharmacists:

- Pharmacists audited	55
- Audits returned	53
- Audits approved	51
- Audits not approved	4

The following Pharmacist audits were not approved:

- CLAY CREPPEL - PHA P 1245 - 30 CE hours were required and 42.5 CE hours were submitted. 20 CE hours were completed within the 7/1/2000 to 6/30/2002 renewal period. 22.5 CE hours were completed after the renewal period.
- CHRISTIAN DURUJI - PHA P 1112 - 30 CE hours were required and 30 CE hours were submitted. 7 CE hours were completed within the 7/1/2000 to 6/30/2002 renewal period. 23 CE hours were completed after the renewal period.
- STEPHEN A. FENICK – PHA P 1025 - 30 CE hours were required but 0 CE hours were submitted. The 2<sup>nd</sup> letter sent January 8, 2002 “Certified Mail Return Receipt” was signed for by Mr. Fenick, but no CE hours were submitted.
- DANIEL ADAM SCHWARTZ – PHA P - 15 CE hours were required but 0 CE hours were submitted. The 2<sup>nd</sup> letter sent January 8, 2002 “Certified Mail Return Receipt” was returned to the Division after attempted delivery. No CE hours were submitted.

Pharmacy Technicians:

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- Pharmacy Technicians audited	50
- Audits returned	50
- Audits approved	48
- Audits not approved	2

The following Pharmacy Technician audits were not approved:

- ROBIN RAE KIRK – PHA C 108 - 10 CE hours were required and 16.5 CE hours were submitted. 9 CE hours were “passed”. 7.5 CE hours were “failed”. CE hours must be “passed” to be approved. Pharmacy Technician needs to submit 1 additional “passed” CE credit.
- JILL ELAINE WILLIAMS – PHA C 254 - 10 CE hours were required and 16.5 CE hours were submitted. 1.5 CE hours were completed within the 7/1/2000 to 6/30/2002 renewal period. 15 CE hours were completed after the renewal period.

Audits not approved by the Board will be turned over to Steve Winker, the Division’s Paralegal for further action. The Board recommended the following fines for licensees whose continuing education is incomplete or non-compliant:

Pharmacists	\$100.00 per credit hour
Pharmacy Technicians	\$ 25.00 per credit hour

Discussion of National Pharmacy Technician Association - NPTA courses will be added to the next meeting’s agenda. Mr. Bohrer requested via conference call that NPTA send information to the Board on their certification as an authorized CE provider.

**On a motion duly made by Mr. Miller, seconded by Ms. Bueler, and approved unanimously, it was**

**RESOLVED to accept the action taken on Continuing Education Audits as read into the record.**

Break

OFF record: 10:50 a.m.  
Back on record: 10:55 a.m.

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**Agenda Item 16 Discuss Licensing**

- LICENSING FEE UPDATE - The board requested that the licensing examiner re-send the October 8, 2002 letter to the new Occupational Licensing Director requesting that fees listed in 12 AAC 02.310 be amended. A motion was made at the October 3-4, 2002 meeting requesting an amendment to Occupational Licensing Fees of the Board of Pharmacy as follows:
  - 12AAC 02.310(a)(5) Pharmacy Intern fee \$25. (lower \$25)
  - 12AAC 02.310(b)(3) In State Pharmacies \$150. (raise \$50)
  - 12AAC 02.310(b)(7) Out of State Pharmacies \$150. (raise \$50)
  - 12AAC 02.310(b)(8) Pharmacy Technicians \$25. (lower \$25)
  
- LICENSE STREAMLINING
  - The Board reviewed various suggestions on streamlining the licensing process made at the October 3-4, 2002 meeting. "Draft" regulations for license streamlining were discussed and approved by the Board under Agenda Item 6 at this meeting.
  
  - Ms. Bueler pointed out that Alaska has only one testing site (University of Alaska in Anchorage) for applicants taking the MPJE or the NAPLEX exam and that applicants typically wait 3-4 weeks to obtain a testing appointment. Ms Bueler requested that the licensing examiner ask NABP if more testing sites could be designated to help relieve the testing backlog.
  
  - The Board reviewed changes to applications and checklists for Wholesale Drug Distributors, Pharmacies, Out-of-State Pharmacies, Pharmacists, Pharmacy Interns, and Pharmacy Technicians.
  
  - Mr. Miller requested that the Board consider an amendment to the regulations to allow new pharmacy facility applicants and facility location change applicants to submit their inspection report after the new facility has opened. Mr. Miller stated that it is impossible to truthfully answer some inspection report questions before the new facility is opened. Mr. Miller suggested that two weeks is a reasonable time to allow the pharmacist-in-charge to complete and submit to the Board an inspection report of a new facility.

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**On a motion duly made by Mr. Bohrer, seconded by Ms. Knasiak, and approved unanimously, it was**

**RESOLVED to revise 12 AAC 52.020(a)(3) to read: An applicant for a facility license shall submit... (3) a completed self-inspection of the premises questionnaire on a form provided by the department within 14 days of commencement of business; and. Revise 12 AAC 52.030(b) to read: The pharmacist-in-charge of a pharmacy that has changed its physical address shall complete a self-inspection questionnaire on a form provided by the department within 14 days of commencement of business under the new license.**

The board noted that adopting these regulations would not result in any cost to private persons.

- The Board also noted that the regulations are contradictory in requiring an existing facility to turn in its license with the application as required in 12 AAC 52.030 and 12 AAC 52.040 and to still comply with 12 AAC 52.990 requiring display of license certificate. "Draft" regulation 12 AAC 52.030(a)(3) allowing for return within 30 days of the existing Pharmacy License for Change of Name or Change of Location Applications would remove the contradictory requirements. Change of pharmacy ownership requirements 12 AAC 52.040 would also need to be changed.

**On a motion duly made by Mr. Bohrer, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to revise 12 AAC 52.040(a) to read: An owner of a pharmacy shall return the facility license to the department within 30 days of issuance of a new license when ownership of the pharmacy is transferred.**

The board noted that adopting these regulations would not result in any cost to private persons.

**On a motion duly made by Mr. Bohrer, seconded by Ms. Nelson, and approved unanimously, it was**

**RESOLVED to recess for lunch.**

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Break    Recess for Lunch at 11:50 p.m.  
Back on record at 12:50 p.m.

**Agenda Item 18 Legislative Update**

- The Board discussed H.B. No. 41 (“An act relating to medical care and crimes relating to the medical assistance program”). Ms. Soden noted that the bill appears to give the Pharmacist authorization to refuse to dispense a controlled substance unless the substance is “reasonably necessary” based on the Sec. 17.30.080 amendments.
- H.B. No. 51 (“An act requiring pharmacists to include generic drug information on containers in which brand-name drug orders are dispensed”) was discussed by the Board. Ms. Soden reported that the original bill has been changed to include the Board’s recommendations for proposed legislation from the FY 2002 Annual Report. Copies of the revised draft of H.B. No. 51 were distributed to Board members. The revised H.B. No. 51 is entitled “An Act allowing the Board of Pharmacy to delegate duties to an executive administrator; allowing the Board of Pharmacy to refuse to issue a license for the same reasons that the board may discipline a licensee; and requiring pharmacists to include generic drug information on containers in which brand-name prescription drug orders are dispensed”. Ms. Soden pointed out that the labeling portion of H.B. No. 51 puts something in statute that should really be added to existing regulation 12 AAC 52.480 Labeling.

**On a motion duly made by Ms. Bueler, seconded by Mr. Miller, it was**

**RESOLVED to amend 12 AAC 52.480 to add (12) the generic drug name(s) below the brand name.**

**On an amended motion duly made by Mr. Bohrer, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to amend 12 AAC 52.480 to add (12) the accepted generic drug name(s) and strength of the drug dispensed shall be placed directly on the container’s label.**

Ms. Soden will respond to Representative Seaton that a regulation project has been started to amend 12 AAC 52.480.

**Agenda Item 19 Division Updates**

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Budget Report - The Board reviewed the Budget Report provided by the Division of Occupational Licensing. The Board asked the licensing examiner to find out why the 2002 Direct Costs are almost double the 2001 Direct Costs and whether the Board of Pharmacy shares expenses and pays the Indirect Costs of other boards.

Discuss Intern Jurisprudence Exam - The licensing examiner reported that she is still working on updating the exam with the new questions written by Mr. Bohrer.

**Agenda Item 19 National Association of Boards of Pharmacy (NABP) Update**

Annual NABP Meeting will be held in Philadelphia, May 3-7, 2003. The Board discussed selecting a delegate who may be able to attend.

**On a motion duly made by Ms. Bueler, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to appoint Mr. Miller as the Board's delegate to the Annual NABP Meeting to be held May 3-7, 2003.**

The licensing examiner will notify NABP of the Board's official delegate.

**Agenda Item 21 Correspondence**

NCPA – National Community Pharmacists Association - HIPAA Compliance Handbook for Community Pharmacy – Published by NCPA – For information only, no action required.

Dale Crawford, B.Sc. Pharm. - Letter from Canadian Pharmacist – The licensing examiner will respond that out of state pharmacies are required to be licensed in Alaska.

NACDS - National Association of Chain Drug Stores - Notification of Alaska Pharmacy Regulations requested by Manitoba Pharmaceutical Association. For information only, no action required.

NACDS – For Your Review: A Newsletter for State Pharmacy Regulators, Reimportation. - For information only. Ms. Soden suggested that this article could be the basis for a newspaper editorial or letter to the editor.

CSM – Clinical Supplies Management Inc. - Question – Do pharmacists for clinical trials Counseling services need to be



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licensed in Alaska? - The Licensing Examiner will send a reply to CSM that no pharmacist license is needed in Alaska for patient drug counseling services.

NABP - Annual Active Membership Dues for 2003.

**On a motion duly made by Mr. Miller, seconded by Ms. Bueler, and approved unanimously, it was**

**RESOLVED to pay the \$250.00 Annual NABP Membership dues for 2003.**

NABP Newsletter - Florida Board Proposes Internet Pharmacy Rule - For information only, no action required.

NABP - FPGEC Certification Program Application Processing Rule - For information only, no action required.

NABP Newsletter - NABP Discovers Security Breach, Halts FPGEE - For information only, no action required.

Caremark - Question on Pharmacy Applications – Who is “you”? The Board agreed that the wording should be “officer” instead of “office.” The Licensing Examiner will revise Pharmacy and Wholesale Drug Distributor Applications.

NABP - Board Support for Federal Legislation Supporting Pharmacist Education - For information only, no action required.

Washington State Board of Pharmacy - Survey on Legal Status of Patient Delivered Therapy in the U.S. - For information only, no action required.

Wal\*Mart - License renewal procedure suggestion – The Board may not process a group renewal and suggests that the way to expedite the renewal process is for licensees to submit their renewal applications on time.

NABP - NAPLEX and MPJE Fee Increase - For information only, no action required.

NABP - HIPPA Privacy Rule: Impact on State Board of Pharmacy Inspections and Prescription Monitoring Programs- For information only, no action required.

NABP - MPJE Item Writers - Assignment Sheet – The Licensing Examiner will respond to NABP that the Board participated in last September’s MPJE Review meeting and is satisfied with the current pool of questions. There have been no significant new Alaska Pharmacy Laws since the last MPJE Review that would

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require new questions. The Board will be sending a delegate to the Jan. 2004 Item Writing Workshop.

NABP - Chemical Handler's Manual - For information only, no action required.

NABP - Long Term Care Facility Prescription Waste Survey Results - For information only, no action required.

NABP - Task Force on Privacy – Model State Privacy Regulations - For information only, no action required.

NCPDP - NCPDP Provider Identification Number - For information only, no action required.

NABP - NABP Constitution and Bylaws Revision – The Licensing Examiner will respond to NABP that the Board looked at the regulation recommendations and chooses to leave the current license transfer unchanged.

PTCB – Pharmacy Technician Certification Board - PTCB Recruit Volunteers for Item Writing - For information only, no action required.

NABP - NABP Announces Canadian VIPPS Program - For information only, no action required.

NABP - NABP Examination Security Group Detects FPCEE Security Breach, Halts Examination - For information only, no action required.

Kansas State Board of Pharmacy - Regulations for Central Prescription Filling Question – The Licensing Examiner will send response that there are no specific regulations for central prescription filling.

NASCSA - State Regulatory Update - For information only, no action required.

NABP - Medical Gas Regulations Survey Results. - For information only, no action required.

NABP - Survey of State Laws Regarding Canadian Pharmacies / Online Consultations – Results - For information only, no action required.

NABP - Disciplinary Clearinghouse Report - For information only, no action required.

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NABP - Docket No. 02D-0242: Compliance Policy Guides Manual Section 460.200, "Pharmacy Compounding" - For information only, no action required.

Alaska Board of Nursing - Med-Pak Labeling Procedure - For information only, no action required.

ACPE – American Council on Pharmaceutical Education - Pharmacy Education Accreditors ACPE and CCAPP Sign Memorandum of Understanding. - For information only, no action required.

NABP - MPJE 2003 Time and Task Schedule for Participating Boards. - The Licensing Examiner will send response to NABP.

NASCSA - National All-Schedules Prescription Electronic Reporting (NASPER) Act H.R. 5503 - For information only, no action required.

New York State Board of Pharmacy - Survey of Registered Pharmacists in New York State - For information only, no action required.

Power-Pak, C.E. - Survey on Prescription Errors. The Licensing Examiner will complete survey.

NABP - Medical Gas Education Materials - For information only, no action required.

ACPE - Request for comment – Proposed Definition of Continuing Education for the Profession of Pharmacy - For information only, no action required.

AKECP - Alaska Emergency Contraception Project Compton Foundation Inc. Grant Proposal. - For information only, no action required.

NABP - Review Courses. - For information only, no action required.

Maggie Sarber, R.Ph # 377 - Valium, Xanax, Prozac forwarded email from emailshoppingclub.com - The Licensing Examiner will forward to the Investigator and respond to Ms. Sarber.

Carla J. Horvath, Department of Justice, National Drug Intelligence Center - Internet Pharmacy Regulations – The Licensing Examiner will respond that all pharmacies dispensing to patients in Alaska, including out-of-state pharmacies, internet, and mail order pharmacies, are required to be licensed in Alaska.

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Marla Kent - Question for the Board of Pharmacy – Dispensing by non-medical person in a remote location – The Licensing Examiner will respond that this clinic does not qualify as a drug room. The Medical Board and Nursing Board may regulate dispensing in a physician’s office.

NABP - NABP Announces Canadian VIPPS Program - For information only, no action required.

NABP - FPGEE Update – Security Breach - For information only, no action required.

April Fife, Gold Standard Multimedia Inc. - Clinical Pharmacology as equivalent reference to Facts and Comparisons and USP. Per 12 AAC 52.400 (Appendix B) Facility Standards the Board of Pharmacy has established required references and does not have plans to change the regulations. The Licensing Examiner will respond.

Cassandra Johnson, Alaska Emergency Contraception Project - “Emergency Contraception Options are Expanding” Anchorage Daily News. - For information only, no action required.

Davis Wright Tremaine LLP – Letter to Kanakanak Hospital regarding the Camai Clinic in Naknek, Alaska. The Licensing Examiner will respond that the Board was not interpreting federal law, but was instead responding to a question from pharmacist Brooks Hurley, R.Ph. The Board suggested that the clinic should be operated as it had formerly, with a physician on site, and that the hospital’s federal contracts may have prohibitions against retail sale of pharmaceuticals purchased for the hospital under federal contracts.

Ultram Prescriptions – “Prescription Diet Pills, Viagra, and more prescribed online and shipped overnight!” The Licensing Examiner will forward on to the Investigator.

Off the record at 2:45 p.m.  
Back on the record at 2:50 p.m.

**Agenda Item 22 New Business**

- Collaborative Practice discussion. Ms. Bueler noted that in her survey of other state’s collaborative practice regulations, all states who have collaborative practice regulations include hospital settings and most require collaborative drug therapy management protocols to be in place, but not all states require protocol approval by the board.

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Chris Coursey, Director of Pharmacy at Alaska Regional Hospital, joined the discussion and noted that the current Collaborative Practice regulations are impractical for hospitals with large medical staffs. Approval and oversight of protocols is currently under the hospital's Pharmacy and Therapeutics (P&T) Committee. Mr. Coursey emphasized that hospital's protocols are constantly changing and it is impractical for the hospital and the Board to go through the approval process every time there is a change. The current regulations address a small or limited group of physicians and pharmacists and Mr. Coursey encouraged the board to consider clarifying the regulations to acknowledge institutional P&T Committees.

Ms. Soden stated that, in the interest of patient safety, the hospital's protocols should be in-writing and made available to the Board upon request. Mr. Bohrer suggested that the Pharmacy Self-Inspection Report include a question for institutional facilities confirming that all collaborative protocols are on file at the hospital and available for review by the Board. The Board discussed making the regulation apply to hospital and nursing home collaborative protocols by specifying "institutional facilities".

**On a motion duly made by Ms. Bueler, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to amend 12 AAC 52.240 Pharmacist Collaborative Practice Authority to add: (h) Nothing in this section shall be construed to prohibit pharmacists practicing in an institution from participating in drug therapy protocols and guidelines approved by the Pharmacy and Therapeutics Committee or other medical staff governing bodies of that institution. Records will be maintained and be made available to the board upon request.**

**On an amended motion duly made by Ms. Nelson, seconded by Mr. Bohrer, and approved unanimously, it was**

**RESOLVED to amend 12 AAC 52.240(h) to read: (h) Nothing in this section shall be construed to prohibit pharmacists practicing in an institutional facility from participating in drug therapy protocols and guidelines approved by the Pharmacy and Therapeutics Committee or other medical staff governing bodies of that institutional facility. Records will be maintained and be made available to the board upon request.**

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The board noted that adopting these regulations would not result in any cost to private persons.

- Telepharmacy Ad-hoc Committee. Mr. Miller distributed an outline for writing telepharmacy regulations, "Telepharmacy Pilot Project Rules." The rules, which were based on the North Dakota Telepharmacy Pilot Project, include purpose and scope; definitions; operational description; exceptions; and provisions for suspension, termination, and expiration. Mr. Miller emphasized that "real time" computer, video, and audio monitoring, security checks, and overrides by the pharmacist-in-charge must be in place to insure protection of the health, welfare and safety of the public.

The Board discussed how a remote facility would be licensed and whether the regulatory authority exists to determine a new license category. The Licensing Examiner will request confirmation from the Regulations Specialist that the Board has authority under AS 08.80.157(b) and 12 AAC 52.010 to designate a licensing type for a remote site and to set up regulations for a Pilot Project. The Board also needs to define "remote site" and "telepharmacy".

The Telepharmacy Ad-hoc Committee will continue to work on drafting regulations and the discussion will be continued at the next meeting.

- Inspection Report Revisions - Ms. Soden reviewed changes to Inspection Reports.

**On a motion duly made by Mr. Miller, seconded by Ms. Knasiak, and approved unanimously, it was**

**RESOLVED to approve corrections to the Inspection Report forms as noted in the board packets.**

The Licensing Examiner will update the Inspection Report forms and get the updated versions on the web site.

**Agenda Item 23 Office Business**

- The board set the 2003 meeting schedule as follows:
  - April 24-25, 2003 - Confirmed
  - July 25, 2003 - Confirmed
  - October 2-3, 2003 - Tentatively Scheduled
- The Chair signed the approved minutes from the October 3-4, 2002 meeting.
- The Board Chair and Secretary signed wall certificates.

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- Board members signed Travel Authorizations and provided travel receipts.

**Adjournment**      **On a motion duly made by Ms. Knasiak, seconded by Mr. Miller, and approved unanimously, it was**

**RESOLVED to adjourn the meeting of the Alaska State Board of Pharmacy.**

The meeting was adjourned at 4:35 p.m.

Respectfully submitted:

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Barbara Roche, Licensing Examiner

Approved:

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Margaret Soden, R.Ph., Chair  
Alaska State Board of Pharmacy

Date: \_\_\_\_\_