

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 19, 2024

RE: Filed Permanent Regulations: Board of Pharmacy

Board of Pharmacy regulations re: Temporary closures; jurisprudence examinations (12 AAC 52.060 - .985)

Attorney General File:	2023200594
Regulation Filed:	4/19/2024
Effective Date:	5/19/2024
Print:	250, July 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

April 18, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 52.060 - .985: Board of Pharmacy - Temporary closures;
jurisprudence examinations*
Our file: 2023200594

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Pharmacy against the statutory standards of the Administrative Procedure Act. Based on our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Pharmacy after the close of the public comment period.

The regulations amend 12 AAC 52 to update requirements related to pharmacy closures, state examinations, and licensure exemption for practicing in the federal Indian Health Services system.

The March 11, 2024 public notice and April 12, 2024 order certifying changes to regulations both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.04.18
11:56:11 -08'00'

RCP/bhp

CC w/enclosure: Stefanie Davis, Regulations Specialist
Department of Commerce, Community and Economic Development

Harriet D. Milks, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached eight pages of regulations, dealing with closure of a pharmacy and examination requirements for licensure, are certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its April 11, 2024 meeting, under the authority of AS 08.01.065, AS 08.01.100, AS 08.80.005, AS 08.80.030, AS 08.80.110, AS 08.80.116, AS 08.80.120, AS 08.80.145, AS 08.80.147, AS 08.80.150, AS 08.80.157, AS 08.80.160, AS 08.80.165, AS 08.80.270, and AS 08.80.330, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Pharmacy paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: April 12, 2024

Michael Bowles Digitally signed by Michael Bowles
Date: 2024.04.12 10:03:15 -08'00'

Michael Bowles, Executive Administrator
Alaska Board of Pharmacy

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 19, 2024 at 9:45 a. m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for April Simpson

for Nancy Dahlstrom, Lieutenant Governor

Effective: May 19, 2024

Register: 250, July 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 250, July 2024 PROFESSIONAL REGULATIONS

12 AAC 52.050(a)(2) is amended to read:

(2) arrange for [THE TRANSFER OF PRESCRIPTION DRUG ORDERS OR COMPUTER PRESCRIPTION RECORDS TO ANOTHER PHARMACY TO FACILITATE] continuous patient care, **including the transfer of prescription drug orders or computer prescription records to another pharmacy**; and

12 AAC 52.060(d) is amended to read:

(d) In this section, “other disaster” includes **a** [ANY] disaster situation that causes a pharmacy **to** [THE] need to move to a temporary location, **temporarily close**, or results in damage to the **pharmacy’s** drug or device inventory.

(Eff. 1/16/98, Register 145; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 12/28/2022, Register 244; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

The introductory language of 12 AAC 52.070(b) is amended to read:

(b) An applicant for licensure under this section **shall** [MUST] submit to the department

...

12 AAC 52.070(b)(5) is amended to read:

(5) verification **that the applicant has passed the examination required under 12 AAC 52.090**, sent directly to the department by the National Association of Boards of Pharmacy [, THAT THE APPLICANT HAS PASSED THE EXAMINATIONS REQUIRED IN 12 AAC 52.090];

Register 250, July 2024 PROFESSIONAL REGULATIONS

(Eff. 1/16/98, Register 145; am 2/15/2006, Register 177; am 7/1/2007, Register 182; am 10/31/2019, Register 232; am 12/28/2022, Register 244; am 1/19/2024, Register 249; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.270
AS 08.80.030 AS 08.80.116

12 AAC 52.090 is amended to read:

12 AAC 52.090. Examination requirements and registration. (a) **An** [IN ADDITION TO THE REQUIREMENTS IN AS 08.80.110, AN] applicant for a pharmacist license shall pass the

[(1)] North American Pharmacy licensing examination (NAPLEX), administered by the National Association of Boards of Pharmacy, with a NAPLEX scaled score of 75 or **higher** [ABOVE; AND

(2) ALASKA PHARMACY JURISPRUDENCE EXAMINATION WITH A SCALED SCORE OF 75 OR ABOVE].

(b) Repealed 5 / 19 / 2024 [AN APPLICANT FOR A TEMPORARY PHARMACIST LICENSE SHALL PASS THE ALASKA PHARMACY JURISPRUDENCE EXAMINATION WITH A SCALED SCORE OF 75 OR ABOVE].

(c) An applicant for a pharmacist license **who** [THAT] has passed the NAPLEX examination in another licensing jurisdiction shall make arrangements for the National Association of Boards of Pharmacy to send verification of **the applicant's** examination **score** [SCORES] directly to the department.

(d) An applicant for licensure by examination **shall** [MUST] submit an application under 12 AAC 52.070 and be **determined to be eligible** [APPROVED] under 12 AAC 52.092 before

the applicant may sit [SITTING] for examination under this section.

(e) Repealed 5 / 19 / 2024 [AN APPLICANT WHO HAS FAILED THE ALASKA PHARMACY JURISPRUDENCE EXAMINATION SPECIFIED IN (f) OF THIS SECTION MAY NOT RETAKE THE EXAMINATION FOR AT LEAST 30 DAYS].

(f) Repealed 5 / 19 / 2024 [THE MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) IS THE EXAMINATION ADOPTED BY THE BOARD AS THE ALASKA PHARMACY JURISPRUDENCE EXAMINATION. AN APPLICANT SHALL SATISFY ALL OTHER LICENSE REQUIREMENTS WITHIN ONE YEAR AFTER PASSING THE ALASKA PHARMACY JURISPRUDENCE EXAMINATION OR RETAKE THE EXAMINATION].

(g) An applicant applying for a **pharmacist** [PHARMACY] license by examination shall **submit an** [MAKE] application within one year of successfully passing the NAPLEX. **If it has been** [AN APPLICANT APPLYING] more than one year **since the applicant passed** [AFTER PASSING] the NAPLEX, **the applicant** shall

(1) retake the NAPLEX **in accordance with this section;** or

(2) apply for a **pharmacist** [PHARMACY] license under AS 08.80.145. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 5/5/2000, Register 154; am 8/21/2002, Register 163; am 5/15/2004, Register 170; am 7/1/2007, Register 182; am 8/12/2007, Register 183; am 5 / 19 / 2024, Register 250)

Authority: AS 08.01.065 AS 08.80.110 AS 08.80.150
AS 08.80.005 AS 08.80.120 AS 08.80.160
AS 08.80.030

Register 250, July 2024 PROFESSIONAL REGULATIONS

12 AAC 52.092 is amended to read:

12 AAC 52.092. Eligibility to sit for examination. An applicant for licensure by examination who has submitted documents that meet the requirements set out **under** [IN] 12 AAC 52.070 will be referred **by the board** to the National Association of Boards of Pharmacy [BY THE BOARD] to determine eligibility to sit for the North American Pharmacy Licensing Examination (NAPLEX) [AND THE MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION (MPJE)] required under 12 AAC 52.090. (Eff. 7/1/2007, Register 182; am 12/28/2022, Register 244; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.110

12 AAC 52.095(b) is amended to read:

(b) An applicant for licensure under this section who has not taken the **Alaska pharmacy jurisprudence examination set out under 12 AAC 52.098 will receive the examination from the department once** [MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION (MPJE) REQUIRED UNDER 12 AAC 52.090 IS APPROVED TO SIT FOR THAT EXAMINATION IF] the applicant has submitted the documents required under (a)(1) – (4) of this section. **The applicant is required to pass the examination to be eligible for licensure by reciprocity under this section.**

(Eff. 7/1/2007, Register 182; am 10/31/2019, Register 232; am 12/28/2022, Register 244; am 1/19/2024, Register 249; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.145

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.098. Alaska pharmacy jurisprudence examination. The department will submit the Alaska pharmacy jurisprudence examination to an applicant for licensure by reciprocity who has submitted documents that meet the requirements set out under 12 AAC 52.095. The Alaska pharmacy jurisprudence examination is prepared by the board and covers the provisions of AS 08.80, AS 17.30.200, and 12 AAC 52, relating to the practice of pharmacy.

(Eff. 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.145
AS 08.80.030 AS 08.80.120

12 AAC 52.150 is repealed:

12 AAC 52.150. Proof of licensure for individual pharmacists working for tribal health programs. Repealed 5 / 19 / 2024 [(a) A PHARMACIST WHO ENGAGES IN THE PRACTICE OF PHARMACY IN A TRIBAL HEALTH PROGRAM IN THIS STATE AND WHO IS NOT LICENSED BY THE BOARD MUST PROVIDE THE BOARD NOTICE THAT THEY ARE PRACTICING UNDER ANOTHER LICENSE IN ACCORDANCE WITH 25 U.S.C. 1621t (SEC. 221, INDIAN HEALTH CARE IMPROVEMENT ACT). NOTICE REQUIRED UNDER THIS SECTION MUST BE RECEIVED NO LATER THAN 30 DAYS AFTER AN INDIVIDUAL BEGINS WORKING AT A TRIBAL HEALTH PROGRAM IN THIS STATE, AND MUST INCLUDE

- (1) A COMPLETED ALASKA STATE PHARMACIST LICENSE EXEMPTION FORM PROVIDED BY THE DEPARTMENT;
- (2) A CERTIFIED TRUE COPY OF A CURRENT, VALID PHARMACIST LICENSE IN GOOD STANDING FROM ANOTHER JURISDICTION; AND
 - (A) PROOF OF EMPLOYMENT BY A TRIBAL HEALTH PROGRAM

Register 250, JULY 2024 PROFESSIONAL REGULATIONS

THAT IS OPERATING UNDER AN AGREEMENT WITH THE FEDERAL INDIAN HEALTH SERVICE UNDER 25 U.S.C. 450 – 458ddd-2 (INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT); OR

(B) PROOF OF STATUS AS AN INDEPENDENT CONTRACTOR, INCLUDING A COPY OF THE CONTRACT, IF THE OUT-OF-STATE PHARMACIST IS WORKING FOR THE TRIBAL HEALTH PROGRAM AS AN INDEPENDENT CONTRACTOR.

(b) A PHARMACIST PRACTICING UNDER THE EXEMPTION MAY NOT PRACTICE BEYOND THE SCOPE OF THE OTHER STATE LICENSE.

(c) THE LICENSING EXEMPTION DOES NOT EXTEND TO SERVICES PROVIDED TO NON-TRIBAL HEALTH PROGRAMS. IN ADDITION, AN OUT-OF-STATE LICENSED PHARMACIST WORKING OUTSIDE THE SCOPE OF THE INDIVIDUAL'S CONTRACTED EMPLOYMENT WITH A TRIBAL HEALTH PROGRAM MUST APPLY FOR LICENSURE AS A PHARMACIST IN ACCORDANCE WITH AS 08.80]. (Eff. 10/31/2019, Register 232; repealed 5 / 19 / 2024, Register 250)

12 AAC 52.310(c)(5) is amended to read:

(5) qualifies by

(A) retaking and passing the **examination** [EXAMINATIONS] required under 12 AAC 52.090(a); or

(B) providing verification that the applicant has continually practiced pharmacy in another state under a license issued by the authority of that state for the period that the license has been lapsed [, AND BY MEETING THE REQUIREMENTS OF 12 AAC 52.090(a)(2)]; for purposes of AS 08.80.147 and this subparagraph, an

Register 250, July 2024 PROFESSIONAL REGULATIONS

applicant has continually practiced pharmacy if the pharmacist has actively practiced pharmacy in the other state for at least six months during each year that the license in **the** [THIS] state was lapsed; and

(Eff. 1/16/98, Register 145; am 5/5/2000, Register 154; am 8/21/2002, Register 163; am 2/11/2004, Register 169; am 5/26/2006, Register 178; am 9/17/2011, Register 199; am 8/1/2014, Register 211; am 1/19/2024, Register 249; am 5 / 19 / 2024, Register 250)

Authority: AS 08.01.100 AS 08.80.030 AS 08.80.165
AS 08.80.005 AS 08.80.147

12 AAC 52.985(f)(2) is repealed:

(2) repealed 5 / 19 / 2024 [THE NOTICE REQUIRED UNDER 12 AAC 52.150(a) NEED NOT BE PROVIDED UNTIL 30 DAYS AFTER THE DATE THAT THE DISASTER EMERGENCY ENDS];

(Eff. 10/31/2019, Register 232; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.995(a) is amended by adding a new paragraph to read:

(42) "NAPLEX" means the North American Pharmacy Licensing Examination, administered by the National Association of Boards of Pharmacy.

(Eff. 1/16/98, Register 145; am 5/5/2000, Register 154; am 11/10/2001, Register 160; am 8/21/2002, Register 163; am 2/15/2006, Register 177; am 8/12/2007, Register 183; am 9/11/2010, Register 195; am 12/29/2011, Register 200; am 8/1/2014, Register 211; am 6/7/2018, Register 226; am 10/31/2019, Register 232; am 4/3/2020, Register 234; am 8/30/2020, Register

Register 250, July 2024 PROFESSIONAL REGULATIONS

235; am 7/15/2023, Register 247; am 5 / 19 / 2024, Register 250)

Authority: AS 08.80.005 AS 08.80.159 AS 17.30.200

AS 08.80.030 AS 11.71.900 AS 17.30.900

AS 08.80.157

((Publisher: please replace the period that follows 12 AAC 52.995(a)(41) with a semicolon.))