

Chapter 52. Board of Pharmacy.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 52.120(b) is amended by adding a new paragraph to read:

(8) submits two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character.

(Eff. 1/16/98, Register 145; am 2/11/2004, Register 169; am 2/15/2006, Register 177; am 1/17/2007, Register 181; am 11/16/2012, Register 204; am ___/___/___, Register ___)

Authority: AS 08.80.005 AS 08.80.110

The section heading for 12 AAC 52.130 is amended to read:

12 AAC 52.130. Registration [REVIEW OF APPLICATIONS FOR REGISTRATION] of pharmacies located outside of the state.

12 AAC 52.130(c) is amended to read:

(c) A pharmacy located outside of the state that ships, mail, or delivers prescription drugs **into the state** more than twice during a 12-month period [TO INDIVIDUAL PATIENTS IN THE STATE] shall register with the board.

12 AAC 52.130 is amended by adding a new subsection to read:

(d) In AS 08.80.158(b)(4) "proof satisfactory" means a sworn statement that the pharmacy maintains its records of prescription drugs dispensed to persons in the state so that the records are readily retrievable from the records of other prescription drugs dispensed by the

pharmacy, with either a written description or a copy of the pharmacy's Policies and Procedures.

(Eff. 1/16/98, Register 145; am 6/2/2004, Register 170; am 2/15/2006, Register 177; am

____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.158

12 AAC 52.200(c) is amended to read:

(c) A pharmacist designated to replace the pharmacist-in-charge of a pharmacy shall notify the board **by submitting a completed change of pharmacist-in-charge form provided by the department and paying the applicable fees established in 12 AAC 02.105** within 10 days of that designation. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/15/2006, Register 177; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030 **AS 08.80.160**

12 AAC 52.240(a) is amended to read:

(a) A pharmacist planning to exercise collaborative practice authority in the pharmacist's practice by initiating or modifying drug therapy in accordance with a written protocol established and approved for the pharmacist's practice by a practitioner authorized to prescribe drugs under AS 08 must submit the completed written protocol to the board [AND BE APPROVED BY THE BOARD BEFORE IMPLEMENTATION].

12 AAC 52.240(d) is repealed:

(d) Repealed ____/____/_____, [UNLESS THE BOARD IS SATISFIED THAT THE

PHARMACIST HAS BEEN ADEQUATELY TRAINED IN THE PROCEDURES OUTLINED IN THE WRITTEN PROTOCOL, THE BOARD WILL SPECIFY AND REQUIRE COMPLETION OF ADDITIONAL TRAINING THAT COVERS THOSE PROCEDURES BEFORE ISSUING APPROVAL OF THE PROTOCOL].

12 AAC 52.240(g) is amended to read:

(g) Any modification to the written protocol must be approved [BY THE BOARD] as required by this section for a new written protocol.

(Eff. 11/10/2001, Register 160; am 2/11/2004, Register 169; am 11/16/2012, Register 204; am ____/____/_____, Register _____)

Authority: AS 08.80.030 AS 08.80.480

12 AAC 52.470 is amended by adding new subsections to read:

(d) If an original prescription drug order is prescribed as a 30-day supply, the pharmacist may dispense up to a 90-day supply on refills provided that the

(1) patient has completed an initial 30-day supply of the drug;

(2) total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription, including refills;

(3) drug is not a federal or state scheduled controlled substance; and

(4) the pharmacist is exercising professional judgment.

(e) To indicate that an increased supply shall not be dispensed pursuant to this section, a prescriber may indicate “no change to quantity”, or words of similar meaning, on the prescription drug order.

(f) Nothing in this section shall be construed to require a health care service plan, health insurer, workers' compensation insurance plan, pharmacy benefits manager, or any other person or entity, including, but not limited to, a state program or state employer, to provide coverage for a drug in a manner inconsistent with a beneficiary's plan benefit. (Eff. 1/16/98, Register 145; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.510(a)(1) is amended to read:

(1) the prescribing practitioner does not **indicate** [HAND WRITE OR ELECTRONICALLY NOTE] on the prescription drug order that a specific brand must be dispensed, using language such as "brand medically necessary", "**dispense as written**", "**do not substitute**", or **other** similar wording;

12 AAC 52.510(a)(4) is amended to read:

(4) for the drug product actually dispensed, the **pharmacy record shall contain** [PHARMACIST NOTES ON THE PRESCRIPTION DRUG ORDER] one of the following:

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(Eff. 1/16/98, Register 145; am 10/9/2008, Register 188; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.295

12 AAC 52.610(c) is amended to read:

(c) Within 30 days of a change in facility manager, the new facility manager must **submit**

(1) the completed change of pharmacy manager form provided by the

department;

(2) the applicable fees established in 12 AAC 02.310; and

(3) meet the requirements of (a)(4) and (6) of this section. (Eff. 1/16/98, Register 145; am 8/21/2002, Register 163; am 1/17/2007, Register 181; am ____/____/_____, Register _____)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030

12 AAC 52.991 is amended by adding a new subsection to read:

(b) A licensed or registered facility shall report in writing to the board any disciplinary decision, including suspension or revocation by federal, state, or local government of a license currently or previously held by the applicant or facility for the manufacture or distribution of drugs or devices, including controlled substances, or any felony conviction under federal, state, or local law of an owner of the facility or of an employee of the facility. (Eff. 9/17/2011, Register 199; am 4/16/2016, Register 218; am ____/____/_____, Register _____)

Authority: AS 08.01.075 AS 08.80.030 AS 08.80.315
AS 08.80.005 AS 08.80.261 AS 08.80.460