

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

**ALASKA STATE BOARD OF PHARMACY**

**MINUTES OF MEETING**  
**April 19-20, 2012**

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy was held on April 19<sup>th</sup> and 20<sup>th</sup>, 2012 at the State Office Building, 333 Willoughby Ave in Juneau.

These **FINAL** minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have been approved by the Board.

**Call to Order/Roll Call**

The meeting was called to order by Dick Holm, Chair at 9:00 a.m. Those present constituting a quorum of the board, were:

Anne Gruening, Public Member  
Lori DeVito, R. Ph.  
John Cotter, R. Ph.  
Dick Holm, R. Ph.  
Dirk White, R. Ph.

Excused: CJ Kim and Ted Mala.

Present from the Division of Corporations, Business and Professional Licensing were:

Mary Kay Vellucci, Licensing Examiner  
Karen Wilke, Paralegal

Telephonic participation by:

Al Kennedy, Investigator  
Nancy Davis, Executive Administrator, AkPhA  
Signe Anderson, AAG  
Laura Fox, AAG

Visitors present:

Gina Roust, Licensing Examiner, Medical Board  
Dan Branch, AAG  
Harriet Milks, AAG  
Caren Robinson, AkPhA  
Sara Chambers, Program Coordinator  
Sher Zinn, Licensing Supervisor

**Agenda Item 1      Review Agenda**

The chair added to Old Business an update regarding licensing out of state wholesalers distributors. Mr. White stated a letter from Commissioner Hultberg in reference to the Pharmacy Audit bill should be discussed.

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

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

**Agenda Item 2      Review Minutes**

The board reviewed the minutes from the February 16-17, 2012 full board meeting and the April 2, 2012 teleconference. No changes were made.

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

**RESOLVED to approve the minutes of the February 16/17, 2012 meeting.**

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

**RESOLVED to approve the minutes of the April 2, 2012 teleconference.**

**Agenda Item 3      Ethics Disclosure/Goals and Objectives**

The board had no ethics disclosures or violations to report.

**Agenda Item 4      Division Update**

Ms. Vellucci informed the board an expense report was not available and the one viewed by the members in February remains current. Quarterly data since the February, 2012 was not fully entered.

The board reviewed the renewal forms for the July 1, 2012 - June 30, 2014 licensing period. The primary changes were:

- Consent to use the licensee's email address for correspondence regarding licensing matters.
- Licensee's signature statement, in an attempt to clarify CEs must be completed on the date the renewal is signed.
- PDMP, CPE insert.
- Professional Fitness section.
- Pharmacist Jurisprudence Questionnaire.
- 12 AAC 52.991 aka "Thirty Day Disciplinary Reporting Requirement" was added to the general information on all renewals and applications.
- Inclusion of facility website.

Ms. Vellucci informed the board applications were also revised, based on new regulatory requirements and consumer feedback. The instructions to the pharmacist application were a primary area of focus.

#### *Pharmacy Audit Bill SB 217*

Noticing the meeting was ahead of schedule, the chair opened a discussion about the Senate Bill 217. He referred the members to an April 12, 2012 letter addressed to Senator Dennis Egan and written by Commissioner Becky Hultberg in response to questions that arose while the bill was in committee. Chair Holm directed the board members to the last paragraph of Commissioner Hultberg's letter.

In response to an inquiry from Ms. Gruening, Chair Holm summarized the issues with pharmacy audits and the pharmacy audit bill by stating the following:

- Audits are conducted randomly by Pharmacy Benefit Managers (PBMs).
- PBMs are the administrators and payers for large insurance plans.
- The PBM sets a non-negotiable price in the contract. Typically the terms are "take it or leave it."
- The PBM audits at a later date to evaluate the pharmacy's compliance with the contract.
- All work with PBMs is done electronically so their audits become a "hunting expedition" for fault finding purposes only.
- If an error is found, the standard practice with PBMs is to extrapolate the error across all prescriptions reviewed. This results in huge fines to pharmacies that are grossly out of proportion with the actual audit finding.

Mr. White gave the following example of a prescription that was written for a person with AIDS. The prescription was audited and extrapolated by Medicaid:

- Physician writes sig: 50 mg, one tablet, every day, dispense #30.
- The medication is not manufactured in a 50 mg dose; only 25 mg dose.
- Pharmacist dispenses sig: 25 mg, two tablets every day.

Pharmacist wrote the label correctly and counseled the patient accordingly. His practice was in accordance with Board of Pharmacy requirements and industry standards. Upon audit, this was determined to be an "invalid prescription." The result for this small, independent, remote pharmacy was a net loss of \$75,000 because payment was withheld for the prescription and all the refills of a similar nature.

Other examples were cited. Chair Holm explained the purpose of the Audit Bill was to establish guidelines for PBMs. A consequence of this bill is PBMs become very transparent, which they try to avoid. For this reason, PBMs strongly oppose legislation which governs their methods.

Mr. White's strong objections were in reference to the last paragraph of the letter written by the commissioner, which was read into the record:

*"...It is critical that the auditing process must be able to detect overpayments and fraud perpetrated by pharmacies... Pharmacies have no special right to avoid the highest degree of scrutiny we require to protect our members from fraud and abuse by our vendors. Every dollar that is improperly or illegally taken from our trust funds and not recovered simply makes crime pay and is an incentive to overcharge or commit fraud."*

Mr. White stated he had to read this three times because he was in such disbelief that a State of Alaska employee, let alone a commissioner, would make statements such as this. He noted pharmacists were not regarded as the professionals they are; instead they are "vendors." Her references to "*fraud and abuse... dollars that were improperly or illegally taken*" were particularly offensive to the board. He commented further on Question B:

*"What is the total number of dollars recouped from Alaska Pharmacies by the (PBM)? None to date."*

Chair Holm stated some of the content of the commissioner's letter "killed the bill." He added the bill will be re-introduced next year.

Mr. Holm went to the commissioner's office on April 18<sup>th</sup> and asked to speak with Commissioner Hultberg. She was in Anchorage and a message was left to invite her to the August 23-24 board meeting

The chair stated for the record this bill is primarily an economic issue that was sponsored by the Alaska Pharmacists Association, as opposed to being a board issue, or an issue with the Division of Corporations, Business and Professional Licensing. He added the board's obligation is to open a dialogue, educate and act in a consolidating manner to inform the commissioner and others of a similar mind that fraud and criminal acts are, in fact, the least of the concerns with this bill because pharmacists have too much to lose. In the end, the public interest is

not well-served by the current status of this bill. Eighteen states now have restrictions on pharmacy audits for these reasons.

Mr. White added the Division Director and the Professional Licensing Supervisors need to be made aware of the board's intent to involve Commissioner Hultberg in discussions on this issue. Ms. Vellucci offered to forward the pertinent section of the minutes to those involved and the board agreed.

**Agenda Item 7**      **New Business**

*Drug Shortages/Emergency Board Orders:* The board members discussed general pharmacy practices regarding a drug's expiration date, the chemical testing done to identify expiration dates and the factors contributing to the current drug shortages.

They agreed the use of an out dated drug during a shortage is contingent upon the professional discretion of the pharmacist in consultation with the physician.

**Agenda Item 5**      **Investigative Report**

Al Kennedy, Investigator, joined the meeting telephonically. The current Investigative Report was reviewed. A total of sixteen active cases, complaints and intake matters now exist. The Division opened sixteen files and closed nineteen Pharmacy Board matters between February 3<sup>rd</sup> and April 16<sup>th</sup>. Two complaints and investigations are currently open.

**Agenda Item 6**      **Legislative Update**

Caren Robinson, AkPhA lobbyist, joined the meeting in person. She prepared a written report of the legislation AkPhA followed during the session.

*Pharmacy Audit Bill:* The biggest disappointment to the association was the failure of the Pharmacy Audit Bill. She stated the failure of the bill was impacted by only one 90 day session. It is anticipated this legislation will be re-introduced by Senator Egan at the beginning of next year's session. Ms. Robinson was informed about the discussion earlier this date. She asked the board to be aware, as they attempt to educate others, of the interference in the legislative process was introduced by the release of confidential and inaccurate information. She stated "The phrase '*bad apples in Juneau*' was carried from legislator to legislator by PBM lobbyists. It tainted the issue, was unfounded in fact and totally inappropriate." Her understanding was one of the "bad apples in Juneau" had an audit done seven months ago of 400 prescriptions and they still haven't received any results from the PBM. On a factual basis, the practice of pharmacy

in Alaska is 99.99% without fraud, yet the quality of work in the pharmacy profession was totally disregarded.

*CSHB 78 (HSS) Incentives for Certain Medical Providers:* This bill passed and establishes a loan repayment program and employment incentives for health care professionals employed in Alaska. Pharmacists are included in Tier I health care professional definition and nine slots are available statewide. Rules and regulations are forthcoming.

*CSHB 218 (L&C) am S Prescription Drug Specialty Tiers:* This bill passed and prohibits an insurer from using a drug formulary system of specialty tiers unless the insurer notifies the insured of the cost sharing, deductible or copayment. The bill was amended late in the session to allow a reinsurance program so high risk parents can be re-insured, or insure their children. This spreads high risk across a larger pool and makes it possible for child-only insurance plans to again be sold in Alaska.

*SCS CSHB 279 (FIN) am S Extending Certain Boards and Commissions:* Ms. Robinson stated the noteworthy issue was determining whether or not felons could serve on these boards. She tried to encourage movement to allow felons on advisory board (such as the alcohol board, mental health board) but in the end the language regarding felons was not in the final bill that passed.

*SCHB 310 (HSS) State Immunization Program:* \$4 million became available through 2015 for low income families in this DHSS reinstatement of the child and adult immunization programs. HPV and Herpes Zoster are no longer excluded.

Bills that did not move:

SB 14 Object to Providing Healthcare Services  
CSSB 70 (L&C) Alaska Health Benefit Exchange  
SB 172 HB 309 Care Directives/ DNR Orders

*Naturopaths:* Ms. Robinson stated she has worked on this issue for fifteen years. She believes next year's session will result in the creation of an ND board. Ms. Vellucci asked what discussions occurred about cost of an ND board, given the small number of licensees who have to cover the cost of an active board from their fees. Ms. Robinson said the licensees understand and accept this. Licensees also realize they will not have the respect they desire and citizen comfort level they need without a board to oversee their profession. Chair Holm was consulted on last minute language added to this bill which pertained to the terms "synthesized drug" and "non-synthesized drug." His reply was to them was "*all drugs are synthesized, even naturally occurring vitamin C. This is going to be confusing for pharmacists and a deal breaker for naturopaths, and it was.*"

*Out of State Wholesalers:* A discussion occurred regarding Alaska NDs acquiring drugs from out of state wholesalers, which Alaska does not license at

this time. The group was informed legislation is likely to be introduced at the beginning of next session to give the Board of Pharmacy statutory authority to begin licensing Out of State Wholesalers. It is in process. The chair stated this topic has been added to the agenda for further discussion.

Break- Off the record at 10:30 a.m.  
On the record at 10:50.a.m.

**Agenda Item 7      New Business (continued)**

*Self Inspections, General:* The board members were provided with the current pharmacy self inspections, including notes for possible revisions made by Ms. Vellucci. The points for revision were individually considered and the board members agreed to incorporate them into revised inspections. Ms. Vellucci was asked to consult Al Kennedy to determine if additional revisions are indicated based on the inspections being done in investigations. Revisions will be done after the current regulation project is signed by the Lt. Governor in order to include new regulatory content. Chair Holm added the *Job Shadowing Documentation Form* should be added the pharmacy self inspection.

*Drug Room Self Inspection:* To follow up on a comment made by Mr. Kim in February, regulations do not require the contract between the consultant pharmacist and the facility be submitted with an application, but it can be requested during an inspection. Mr. White said the agreement may have proprietary information and therefore should not become part of the division's records.

*Wholesale Distributors Self Inspection:* Ms. Vellucci stated 12 AAC 52.625 (b) requires the facility manager has knowledge about state and federal law as it relates to drug distribution. This experience must be represented in the required facility manager's resume. When a wholesaler deals in oxygen only, this requirement can be difficult to meet. Mr. White stated oxygen only suppliers should have training from the FDA, OSHA and/or DOT to address their qualifications in this regard.

There was a brief discussion about original licenses being displayed in pharmacies, which is required by regulation and requested during an inspection. Ms. Vellucci stated, particularly for interns, the license from the Professional License Search data is occasionally used to verify a license for a work or internship start date because the original is either in transit or left at the intern's home location. The board members agreed, of purposes of inspection, the licensees can present to the inspector 1) the original license, 2) a photocopy of the original license, contingent upon the original license being posted in another facility or 3) a print out from the Professional License Search for temporary circumstances when a license was recently issued or renewed.

**Agenda Item 8      Old Business**

*Intern Questionnaire:* The board members decided to utilize questions recently created for renewals as content to update the intern questionnaire. Ms. Vellucci will produce the revised questionnaire for board review during the August meeting.

**Agenda Item 9      CE Audits**

Karen Wilke joined the meeting in person. She distributed a guideline of disciplinary sanctions for licensees who failed to meet their CE requirements. This guideline has been employed by the Board of Pharmacy in the past and promotes consistency consent agreements for CE violations.

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

**RESOLVED to go into Executive Session in accordance with AS 44.62.310(c)(2), to discuss licensees with violations of continuing education requirements.**

Board, staff and Gina Roust to remain.

Off the record at 11:30 am  
On the record at 11:50 am

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

**RESOLVED to accept the Voluntary Surrender of Pharmacy Technician License in case no. 2011-000864 due to con-compliance with CE Audit.**

This matter involves Kelsey A. Hagan, Pharmacy Technician License # PHAC 3154.

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

**RESOLVED to accept the Consent Agreement, Decision and Order in case no. 2011-001023 due to non-compliance with Continuing Education requirements.**

This matter involves Garrett Lyle Tatsumi, Pharmacist License # PHAP 574.

For the record, the board considered a written statement dated April 19, 2012 which was provided by the subject in case no. 2011-001022.

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

**RESOLVED to accept the Voluntary Surrender of Pharmacist License in case no. 2011-001022 due to non-compliance with Continuing Education requirements.**

This matter involves Mary Nettlow, Pharmacist License # PHAP 1209.

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

**RESOLVED to accept the Consent Agreement, Decision and Order in case no. 2011-000714 due to non-compliance with Continuing Education requirements.**

This matter involves Randy Mundell, Pharmacy Technician License # PHAc 1680.

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

**RESOLVED to accept the Consent Agreement, Decision and Order in case no. 2011-001025 due to non-compliance with Continuing Education requirements.**

This matter involves Tatjana Jelic, Pharmacist License # PHAP 1368.

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

**RESOLVED to accept the Consent Agreement, Decision and Order in case no. 2011-001024 due to non-compliance with Continuing Education requirements.**

This matter involves Brian Narog, Pharmacist License # PHAP 1448.

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

**RESOLVED to accept the Consent Agreement, Decision and Order in case no. 2011-001019 due to non-compliance with Continuing Education requirements.**

Mr. White abstained from this case.

This matter pertains to pharmacist Elise Kiilsgaard, Pharmacist License # 1209.

Chair Holm signed the orders on the record and gave the original documents to Ms. Wilke. The board then reviewed four routine CE Audits.

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

**RESOLVED to approve the CE audits for Pharmacy Technicians Alfredo Huerta, license # PHAC 3094 and Sara Adams, license # PHAC 1632.**

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

**RESOLVED to approve the CE audits for Pharmacists Anna Manneh, license # PHAP 1549 and Jeremy Hondl, license # PHAP 1669.**

Lunch: Off record at 12:01 p.m.

On record at 1:05 p.m

**Agenda Item 10 Licensing (Native) Federal Facilities**

Laura Fox and Signe Anderson, AAGs, joined the meeting telephonically.

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

**RESOLVED to go into Executive Session in accordance with AS 44.62.310 (c) (3).**

Board, staff, Sher Zinn and Sara Chambers to remain.

Off record at 1:10 p.m.

On record at 2:10 p.m.

**Agenda Item 11**     **AkPhA Report**

Nancy Davis joined the meeting telephonically. A written report was distributed regarding Continuing Pharmacy Education since September 15, 2011, Legislative Issues, Community Pharmacy Education and AkPhA on Facebook. National Take Back Day is April 28<sup>th</sup>. Ms. Davis informed the board of the Anchorage participating sites.

She noted Community Pharmacy Accreditation will be discussed at the AkPhA retreat and there are concerns about its potential interruption of 3<sup>rd</sup> party payments. Many state associations have concerns. It is joint effort between the NABP and APhA. There will be a comment period in the near future.

The chair informed Ms. Davis this was discussed briefly at the February 2012 meeting and is on the agenda for this meeting as well. In general, the Alaska Board is not in favor of it. It is a state board issue and is redundant of state regulations. The Alaska board is looking to create state regulations that will replace any Community Pharmacy Accreditation requirement.

Ms. Davis stated there is now a PTCB exam testing site in Juneau and they are pursuing a site in Fairbanks. She asked the board to revisit a former correspondence to them regarding five issues regarding AkPhA recommendations for pharmacy technicians.

Ms. Davis asked if AkPhA could receive demographic information regarding new licensees, as the licenses are issued. Ms. Vellucci referred her to the data available in the Professional License Search.

The status of the CPE Monitoring Program was discussed. Mr. White commented they are not very accommodating if a licensee does not want to provide his/her SSN.

Chair Holm informed Ms. Davis it is likely the February 2013 Board of Pharmacy meeting will be held in Juneau to address high priority legislative issues. Board members plan to attend the AkPhA convention also. Ms. Davis will be made aware of the February board meeting dates as soon as they are confirmed.

**Agenda item 12**     **Regulation Projects**

Dan Branch and Harriet Milks, AAGs joined the meeting in person. They were provided with copies of the board packets on this topic.

*Automatic Dispensing Systems (ADS):* The participants considered the written information on this topic. The board members agreed they prefer not to license ADS in retail pharmacies but they are necessary in institutional settings. In retail settings, ADS are contradictory to their mission to protect the public health, safety and welfare because they detract from the face to face gold standard in pharmacy practice and the importance of in-person counseling.

An issue of concern to the board is the employ of ADS in physician offices and Native clinics throughout the chain, and their possible violation of Board of Pharmacy statutes and regulations. Further discussion occurred.

Mr. Branch pointed out there has to be a pharmacist in certain facilities based on 12 AAC 52.420 Security. The board can regulate the pharmacist that must be present in an institution. He referred the board to the definition of "institutional facility" under 12 AAC 52.995 (15) and added the board can control what the pharmacist does under 08.80.390. However, these citations do not make reference to any machine. The board could potentially regulate ADS by including this content in existing regulations regarding pharmacists in the safe practice and dispensing of drug under these citations. Mr. Branch anticipated there would be push back in that case.

*Community Pharmacy Accreditation:* Mr. Branch and Ms. Milks were informed about prior board discussions on this topic and the board's goal to make the Alaska Board of Pharmacy the only accrediting body for Alaska pharmacies. The NABP's Community Pharmacy Accreditation is projected to be duplication of existing state regulations. National accreditation would create another layer of expense for pharmacies and consumers without additional benefits or safeguards.

Mr. Branch's comments were as follows:

1. If Medicare and Medicaid make a federal requirement for Community Pharmacy Accreditation, state law cannot override it unless Medicare and Medicaid indicate it is allowed.
2. A statutory provision stating a pharmacy cannot be required to provide anything more than an Alaska Board of Pharmacy license would make an NABP Community Pharmacy Accreditation unenforceable in a contract. Mr. Branch offered to research it. The board asked him to pursue this research.
3. The state association should also pursue this.

*Public Comments/Regulation Project:* The board considered the five pages of regulations in File #JU2012200280. It was noted for the record that no public comments were received.

**On a motion duly made by Mr. White and seconded by Ms. DeVito, with consideration of the cost to the public and small business, and approved unanimously, it was**

**RESOLVED to adopt the regulations regarding pharmacist intern license applications, collaborative practice, continuing education, renewal audit, prescription drug order information, distribution of prescription drugs and corrections to the PDMP.**

The chair signed the order and the original was given to Ms. Vellucci.

**Agenda Item 13     Public Comments**

The chair called for public comments and heard none.

Break: Off record at 3:15 p.m.  
On record at 3:30 p.m.

**Agenda Item 14     Routine License Applications**

The board members reviewed the routine license application.

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

- RESOLVED to approve the pharmacist licenses for**
- **Jeremy Brown, pending passing MPJE score**
  - **Esinaldo Franco-Ferrer, pending passing MPJE score**
  - **Jegnechgiri Gosai, pending passing MPJE score and verification of intern hours**
  - **Annie Lam, pending passing MPJE score**
  - **Samuel Huff, pending passing MPJE score**
  - **Tessa Huff, pending passing MPJE score**
  - **David Jones, pending passing MPJE score and transcripts**

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

**RESOLVED to approve the Wholesale Drug Distributor Application for Air Liquide America L.P.**

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

**RESOLVED to table the Wholesale Drug Distributor Application for Carlile Logistics pending receipt of additional resume data from the facility manager applicant regarding 12 AAC 52.625 (b).**

The board members stated the facility manager applicant with Carlile Logistics must provide documentation of training with OSHA, DOT (oxygen) and/or the FDA.

***Licensing Out of State Wholesalers:*** The chair provided a history of the board's efforts to license Out of State Wholesalers and more recent events:

- The board created draft regulations regarding the licensing of out of state wholesalers in approximately 2006. They were denied at the AGO because the board did not have statutory authority to do so. Therefore, the board has no regulatory authority over them, other than to require compliance with regulations in the facility's home jurisdiction.
- It was a stagnant issue until recently.
- Some naturopaths have gone to Out of State Wholesalers to acquire medications. The boundaries of ND prescriptive authority and the acquisition of medications from out of state was an issue for this year's legislature.
- Chair Holm participated in a teleconference regarding the licensing of NDs recently. One of the participants was Christopher Clark in Representative Munoz's office. He offered to get a bill introduced at the beginning of the next session to license Out of State Wholesalers.
- Co-sponsors in the legislature were identified, if re-elected.
- Chair Holm asked the board members to review the documents and statutes included in the board packet additions prior to tomorrow so a statutory outline can be provided to Mr. Clark.
- Chair Holm asked the board members to consider how extensive the board wants to be in the licensing of Out of State Wholesalers, specifically should medical device and equipment and suppliers be included?
- Chair Holm stated this is a budget positive measure for the division and the board.
- Mr. Clark also received a synopsis of the board's efforts to regulate Medical Marijuana.

*Recess at 4:50 p.m.  
Reconvene 9:00 a.m. April 20, 2012*

**Friday April 20, 2012**

**Call to Order/Roll Call**

The meeting was called to order by Dick Holm, Chair, at 9:00 a.m. Those present constituting a quorum of the board were:

John Cotter, R. Ph.  
Lori DeVito, R. Ph.  
Anne Gruening, Public Member  
Dick Holm, R. Ph.  
Dirk White, R. Ph.

CJ Kim was excused.

The board members were informed an email of this date from Boards and Commissions states Ted Mala resigned from the board.

Present from the Division of Corporations, Business and Professional Licensing were:

Mary Kay Vellucci, Licensing Examiner  
Brian Howes, PDMP Program Manager & Sr. Investigator

**Agenda Item 15     Review of Agenda**

Added to the agenda, time permitting, was a follow up discussion regarding the licensing of Out of State Wholesalers and a voluntary surrender of technician license.

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

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

**Agenda Item 16     Correspondence**

*General:* The board considered a correspondence submitted by an instate pharmacy regarding delays in receiving transferred prescriptions after a release is provided.

The board requested an investigator make an unannounced visit to the facility in question for the following:

1. Examine medical and pharmacy records regarding prescription transfers, with emphasis on the dates transfer requests are received and the date the prescriptions are transferred.
2. If transfers are in fact being delayed, ask for a written explanation.
3. If transfers are in fact being delayed, inform them they must create an internal policy regarding prescription transfers.
4. The internal policy is to be submitted for board review.

*NABP:* The Alaska board will not be sending representation to the NABP Annual Meeting this year. They will be participating in the Regional Meeting.

### ***Licensing Out of State Wholesalers (cont'd)***

The board reviewed Sec 08.80.158 Registration of Pharmacies Located Outside of the State. Based on these statutes, a draft of statutes to License of Out of State Wholesalers was created.

Prescription medical devices and supplies will be included in the proposed statutes.

Ms. Vellucci was asked to research the statutes and regulations from other states relating to these topics prior to the next meeting.

### **Agenda Item 17 PDMP Update**

Mr. Howes joined the meeting telephonically.

*Profile Request – Law Enforcement and Regulatory Agency/Board:* The board reviewed this draft document. Based on board suggestion, *Patient's Information* was changed to *Subject's Information* to account a request relating to a prescriber. It was noted a search warrant, subpoena or court order must accompany the request.

Mr. Howes reported 81% compliance in reporting. Total number of instate and out of state pharmacies registered was 487, registered users was 100 and solicited reports was 588. There was an approximate balance of \$150k for the next two years.

Mr. Howes was waiting for a quote from Relay Health to determine the cost of using NPI number identification, since DEA number identification was not a viable option. The board asked for a quick resolution to this.

The annual report to the legislature was discussed. A draft is due in time for the November 15-16, 2012 meeting for board review.

Ms. Vellucci will provide Mr. Howes with roster of In State and Out of State Pharmacies after renewals. The purpose is to cross reference PDMP registered users with active licensees.

Mr. Howes stated the program emphasis will now move to the Dental and Veterinarian Boards. These boards will also be cross referenced between registered users and active licenses in the future.

**Agenda Item 9**      **CE Audits (con't)**

For the record, the board members read the Voluntary Surrender of Pharmacy Technician License in case no. 2011-000715. Chair Holm asked if a discussion or executive session was indicated, and the members replied there was not.

**On a motion duly made by Ms. DeVito, seconded by Mr. White, approved unanimously, it was**

**RESOLVED to accept the Voluntary Surrender of Pharmacy Technician License in case no. 2011-000715 due to non-compliance with Continuing Education requirements.**

This case refers to Pharmacy Technician license #PHAC1788, Trista Piaskowski.

The following questions occurred in relation to a Board of Pharmacy license that is suspended, surrender, or otherwise rendered inactive due to a disciplinary action:

- What happens to the hard copy, original license?
- What measures are taken in Investigations, other than entering the outcome in the National Practitioner Data Bank? I.e., is the employer notified?
- Since other states publish board violations including names, what are the relevant Alaska statutes and FOIA boundaries that direct the board in publishing names?

**Agenda Item 18     Non-Routine License Applications**

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

**RESOLVED to go into Executive Session in accordance with AS 44.62.310 (c) (2).**

Board, staff, to remain

Off the record at 10:15 a.m.

On the record at 10:45 a.m.

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

**RESOLVED to approve the intern licenses for Todd Belgum, Tyler Schultz and Emily Thielges.**

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

**RESOLVED to approve the pharmacist licenses for Donald Schumacher and David Squires.**

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

**RESOLVED to approve the pharmacy technician license for Tiffany Brown.**

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

**RESOLVED to approve the Out of State Pharmacy Licenses for Meds at Home, Las Vegas; Meds at Home, Columbus OH; Tri Coast Pharmacy Inc and Village Compounding Pharmacy.**

**Agenda Item 19    Office Business**

The board signed the wall certificates and TA's.

The board determined dates for the next three meetings:

August 23-24, 2012: Anchorage  
November 15-16, 2012: Anchorage  
February 15-17, 2012: Juneau

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

**RESOLVED to adjourn the meeting.**

Off the record at 11:40 a.m.

Respectfully Submitted:

\_\_\_\_\_  
Mary Kay Vellucci, Licensing Examiner

Approved:

\_\_\_\_\_  
Dick Holm, R. Ph., Chair

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