

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
February 19-20, 2009**

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 February 19, 2009, at the Atwood Building, 550 West 7th Ave., Suite 1270, and February 20, 2009, at the Anchorage Marriott Hotel at 820 West 7th Ave., Juneau room.

Call to Order/Roll Call

The meeting was called to order by Mary Mundell, Chair, February 19, 2009 at 9:04 a.m. Those present constituting a quorum of the board, were:

Kathe Boucha
Richard Holm, R. Ph.
Mary Mundell, R. Ph.
Leona Oberts
Dirk White, R. Ph.

Steve Johnson, R.Ph. was not present at the meeting.

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

Sher Zinn, Licensing Examiner
Brian Howes, Senior Investigator
Susan Winton, Investigator
Jun Maiquis, Regulation Specialist-via telephone
Gayle Horetski, Assistant Attorney General-via telephone
Dan Branch, Assistant Attorney General-via telephone

Visitors present:

Chris Kennedy, Administrative Law Judge, Dept. of Administration
Lis Houchen, NACDS
Bruce Philipp, Walgreens
Daiana Huyen, Walgreens
Bill Altland
Sarah Altland

Agenda Item 1 Review Minutes

The board reviewed the minutes from the September 25-26, 2008 meeting. No changes were made.

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

RESOLVED to approve the minutes of the September 25-26, 2008.

The board reviewed the minutes from the January 27, 2009 teleconference. No changes were made.

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

RESOLVED to approve the minutes of the January 27, 2009 teleconference.

Agenda Item 2 Ethics Disclosure/Goals and Objectives

The board had no ethics disclosures to report. The board reviewed the 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.
7. The board will continue its 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 only 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 impact of current regulations and the need for new regulations.
9. The board will continue to evaluate regulations regarding collaborative practice, and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.
10. The board will assess and evaluate the growing public concern regarding abuse of illicit and prescription drugs, internet pharmacies, counterfeit drugs, and development of a prescription monitoring program.

Agenda Item 3 Expense Report

Ms. Zinn reviewed the expense report for the board and noted the board was in the black and by February 2010 would know if the board would be able to reduce the renewal fees.

Agenda

Ms. Zinn noted there were a few changes to the agenda. Chris Kennedy, Administrative Law Judge, would address the board at 1:00 p.m. regarding the proposed decision from the hearing for Bellevue Pharmacy. The board denied the out-of-state pharmacy license application for Bellevue Pharmacy at its May 2008 meeting. The board will also review a Consent Agreement after Agenda Item 11, Old Business.

On a motion duly made by Ms. Oberts, seconded by Ms. Bouche, and approved unanimously, it was

RESOLVED to approve the changes to the agenda as noted.

Agenda Item 4 Continuing Education Audit

The board reviewed the continuing education submitted by licensees that were audited for the 2008 through 2010 renewal period.

Ms. Zinn noted the licensees audited were chosen randomly by a computer program. Ten percent of licensees are chosen for the random audit.

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

RESOLVED to approve the Continuing Education Audit for the renewal of pharmacists.

Mr. White read the names of the pharmacists listed on the CE audit in the board packet.

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

RESOLVED to approve the Continuing Education audit for the renewal of pharmacy technicians.

Mr. White read the names of the technicians listed on the CE audit in the board packet.

Agenda Item 9 Correspondence

The board reviewed the NABP correspondence.

NABP-January 21, 2009- The National Association of Pet Pharmacies- No action required.

NABP-January 8, 2009- MPJE State-Specific Review for October 2009- No action required.

NABP-January 8, 2009- NABP to Launch Vet-VIPPS Program- No action required.

NABP-January 8, 2009- Official Delegate Certificate and Travel Grant Program for NABP's 105th Annual Meeting- No action required.

NABP-December 16, 2008- Internet Drug Outlet Identification program progress Report- No action required.

NABP-December 2008- State News Roundup- No action required.

NABP-February 10, 2009- Standardized Internship Requirements- No action required.

NABP-February 12, 2009- NABP Annual Meeting- No action required.

Ms. Mundell said the NABP was doing a good job keeping up with internet pharmacies. It was noted that if a pharmacy received a fax for internet pharmacy solicitation, the pharmacy should contact Susan Winton, board investigator, or Terry Marquardt at the DEA. Mr. White stated he would announce it to pharmacists at the AkPhA meeting during the convention.

Mr. White left the room at 10:00 a.m. and returned at 10:01 a.m.

The board discussed disposal of left over medication. It was noted the state currently does not have a program for disposal of left over medication even though several states now have disposal programs. Mr. White noted Mt. Edgecumbe Hospital had an incinerator for chemotherapy drugs however it was small and not for public use. Lis Houchen from the National Association of Chain Drug Stores noted that the best way to dispose of medications was to mix with coffee grounds or cat litter and put in the trash. She further noted that educating the public and health care providers was essential to combating the problem. Mr. White noted that the Hospital Association and Hospice Association would be good organizations to partner with for an education program.

The board discussed the letter from the NABP regarding Standardized Internship Requirements for pharmacy schools. Ms. Mundell said it was discussed at the NABP meeting she had attended. It was also noted that Hawaii now had a pharmacy school and Alaska was the only state that did not have one.

The board reviewed the General correspondence.

Target Store T-2339-January 30, 2009- Report of Theft or Loss- No action required.

Fred Meyer #071-November 24, 2009- Report of Theft or Loss- No action required.

IACP-January 21, 2009- Advertising for Compounding Pharmacists- No action required.

For Health Technologies, Inc-November 14, 2008- Telepharmacy Software for Inpatient Pharmacy Use- No action required.

UPPI-October 27, 2008-Sole Source Agreements- No action required.

David Sclar-October 6, 2008- Generic Substitution- No action required.

Break- Off the record at 10:35 a.m.

On the record at 10:47 a.m.

Mr. Holm was not present.

Mr. Holm returned at 10:50 a.m.

Agenda Item 5

Prescription Drug Monitoring Program Update

Brian Howes, Senior Investigator joined the meeting to update the board on the progress of the PDMP. Mr. Howes noted as stated in the letters to the legislature, that the board did not receive the federal grant last year. One of the reasons for the denial was that the prescription drug monitoring program legislation had not been signed into law when the grant proposal had been written and submitted. It was noted the division would be submitting another grant proposal for up to \$400,000 to the Harold Rogers Prescription Drug Monitoring Program FY 2009. The notification of approval of the grant would be in October. Ms. Mundell said people in law enforcement she knew were discouraged when they found out the grant had not gone through and it would be longer before the program would be in place. She said they spent most of their time tracking down people who were "doctor shopping". Mr. Howes noted that if they received the grant, the Request For Proposal would go out January 2010 for the database and possibly would be in effect by January 2011. Ms. Mundell said the board had discussed using two or three pharmacies to begin with to work out the problems with the database before it would be implemented for all pharmacies and prescribers.

Agenda Item 6 **Investigative Report**

Susan Winton, investigator, joined the meeting to give the investigative report. Ms. Winton noted there were three matters that were also being investigated by other agencies. Normally they would wait until the other agency was done with their investigation before they would continue with their own investigation. However that would mean some of the evidence could no longer be available. Therefore, Rick Younkings, Chief Investigator notified her that she could proceed with those investigations. Ms. Winton said she had one item she would like to discuss with the board during executive session.

On a motion duly made by Ms. Mundell, seconded by Mr. Holm, and approved unanimously it was,

RESOLVED to go into executive session in accordance with AS 44.62.310(c)(2), for the purpose of discussing sensitive material, staff to remain during executive session.

Off the record at 10:56 a.m.
On the record at 11:20 a.m.

Agenda Item 7 **License Application Review**

Ms. Zinn noted there were two items which needed specific board approval. The first matter was regarding a pharmacist application for Daiana Huyen. Ms. Huyen submitted a verification of pharmacy experience employment form which verified employment at Walgreens in the Seattle area as a pharmacy supervisor. Ms. Huyen stated in a letter of explanation that she was working as supervisor of other pharmacists from an office, not in a pharmacy. The board determined that the regulations require the applicant verify at least one year of practice of pharmacy. The definition in AS 08.80.480(27) for "practice of pharmacy" means the interpretation, evaluation, and dispensing of prescription drug orders in the patient's best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug-related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; and the responsibility for: compounding and labeling of drugs and devices except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices; and maintenance of proper records for them". Therefore, the board decided that Ms. Huyen's experience that had been verified was not considered "practice of pharmacy". The board decided she needed to verify one year of practice of pharmacy working as a pharmacist in a pharmacy to complete the application for a pharmacist license.

The other item Ms. Zinn discussed with the board was approval of an application for a foreign graduate pharmacist who did not have a "certified true copy" of a diploma from a school of pharmacy. The applicant, Stefan Klables, submitted a letter from the school in Germany stating the school did not have transcripts because it had been 20 years since he graduated. The letter also stated Mr. Klables graduated from the university and successfully passed the three exams required to be a licensed pharmacist in Germany. Ms. Zinn stated she had contacted the NABP which requires a copy of the diploma or transcripts sent directly from the school to receive the FPGEC certification. The NABP verified they had received a letter from the school stating Mr. Klables had graduated from the university and that transcripts or a diploma were no longer available. Ms. Zinn also noted that Mr. Klables had submitted a copy of the initial pharmacist license he received in Germany. It was noted Mr. Klables had received licenses from five other states including, Arizona, Texas, New Mexico, Nevada and Washington. The verifications received from all states show a clear license with no disciplinary actions.

On a motion duly made by Ms. Boucha, seconded by Mr. Holm, and approved unanimously, it was

RESOLVED to accept the letter of documentation from the University as proof of education and completion for Stefan Klables.

Ms. Mundell noted that this application only had been approved based on the documentation of completion of pharmacy school submitted.

The board reviewed the license applications.

The board reviewed the technician license application for Melissa Van Wormer.

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

RESOLVED to approve the license application and Consent Agreement for Melissa Van Wormer.

Ms. Mundell noted Consent Agreement case #2706-08-001. It was also noted that Ms. Van Wormer had to comply with the Consent Agreement and would be audited for the next two renewal periods.

Ms. Boucha noted she would not be back to the meeting until 2:00 p.m.

Lunch- Off the record at 12:04 p.m.

On the record at 1:03: p.m.

Ms. Boucha was not present.

Chris Kennedy, Administrative Law Judge, joined the meeting to discuss the Bellevue Pharmacy out-of-state license denial hearing decision.

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

RESOLVED in accordance with AS 44.62.310(c)(2), to go into executive session to discuss the matter of the Administrative Law Judge decision regarding Bellevue Pharmacy, staff not to remain.

Off the record at 1:05 p.m.
On the record at 1:55 p.m.

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

RESOLVED in accordance with AS 44.64.060(e), the board adopted the decision as final with a modification.

It was noted the modification consisted of changing Sharon Zinn, division investigator, to Sharon Zinn, licensing examiner, on page eight of the decision.

Ms. Mundell signed the adoption order.

Agenda Item 10 Regulations

Ms. Zinn gave the board the updated version of the Remote Pharmacy and Shared Pharmacy Services regulations drafted by Gayle Horetski, assistant attorney general for the division. Ms. Zinn had noted the Remote Pharmacy and Shared Pharmacy services had been adopted at the February and May meetings of last year. The adopted regulations had been sent by the regulation specialist to the AG's office for review in August. However, the one year date from the time of the initial public notice until Ms. Horetski had looked at them for review had passed. Therefore the regulation project had become stale. The regulations would have to be re-noticed and re-adopted by the board. The board reviewed the new draft of the Remote Pharmacy regulation.

Gayle Horetski and Dan Branch, assistant attorneys general, and Jun Maiquis, regulation specialist, joined the meeting via telephone. Ms. Horetski explained to the board why the adopted regulations had not been reviewed before the one year expiration date. The other attorney for the division, Jenna Conley, had been on maternity for some time, there were several case deadlines which took precedence over regulations, and then Ms. Conley left the division. That left Ms. Horetski as the sole attorney for the division for some time. Ms. Horetski noted that Dan Branch had been appointed to be the second division's attorney. Ms. Horetski noted the regulations would require a supplemental notice because of

the one year deadline for approval. Since the one year deadline was over, Ms. Horetski felt she could do the legal and technical review before the supplemental public notice, instead of after the regulations had been adopted by the board. Ms. Horetski outlined the changes to the Remote Pharmacy regulation for the board which included a name change to "Approval for operation of a remote pharmacy", that the central pharmacy establish that it was able to comply with the requirements of 12 AAC 52.425, and a new subsection that included definitions for "established pharmacy services" and "community". The board discussed the proposed changes by Ms. Horetski and decided to change 12 AAC 52.423(b)(2) to read, "that there is no access to an established pharmacy in the community in which the remote pharmacy is to be located. The board discussed a definition for community and decided that a community was a 10 mile radius around a pharmacy, because that is the area in which a pharmacy should be able to provide effective pharmacy services. After further discussion, the board decided that if a brick and mortar pharmacy were to start a full pharmacy, physically staffed with a pharmacist, in a community with a remote pharmacy, the remote pharmacy would not be allowed to renew the license at the next renewal period. It was noted that the central pharmacy must apply for the remote pharmacy license under 12 AAC 52.010 and 52.020. The board also discussed using AS 08.80.157 as the definition for "established pharmacy services", however Ms. Horetski noted that a remote pharmacy would be included in 08.80.157. After further discussion, Ms. Mundell stated that the board would have to get back with Ms. Horetski during the second day of the meeting or at a later date. Since the new draft of the regulations had just been given to the board before the start of the discussion, the board would need more time to discuss and review the regulation before they could have language suitable to go out for public comment. Ms. Horetski noted that she would be addressing another board Friday morning at 10:00 a.m., so she would be available either before that time or in the afternoon. Ms. Mundell noted the board had public comment at 9:00 a.m. on Friday and would not be meeting in the afternoon. Therefore the board would have to review the remote pharmacy regulations at a later date.

The board reviewed the Shared Pharmacy Services regulations. Ms. Horetski re-drafted the regulations as a pharmacy or pharmacist applying for a Shared Pharmacy Services license. Dick Holm noted that the intent of the board was for an in-state or out-of-state pharmacy, or if contracting on their own, a pharmacist located outside of the state, may enter into a Shared Pharmacy Services contract with a pharmacy inside the State of Alaska. If it was a pharmacy, either inside or outside of the state, the pharmacy must have an Alaska license. If an independent pharmacist outside of the state wished to provide Shared Pharmacy Services, the pharmacist must obtain an Alaska pharmacist license as well as have a pharmacist license in the jurisdiction in which they were located. Mr. Holm noted the draft did not include wording that there must be a licensed pharmacist at both locations. Ms. Mundell noted that in a pharmacy to pharmacy situation, you would want a pharmacist at each location. Ms. Mundell further

noted that JCAHO required a pharmacist to review all medication orders. Therefore, the hospital that did not have a pharmacist on duty 24 hours a day, could contract with another facility or pharmacy to review the order. In that situation there would not be a pharmacist on duty at both locations. The pharmacist at the outside location would review the order, but the nurse would be the one to dispense the medication. Ms. Mundell stated that the board would have to make definitions so it would be clear as to what "shared pharmacy services" was. The board decided the regulations were too broad and they would need to make it more defined before sending out for public comment, by distinguishing between pharmacy to pharmacy, and hospital shared pharmacy services. Ms. Horetski also noted the regulation would have to have language that would require the pharmacist inside the State of Alaska to have an Alaska license. The current draft states, "a pharmacist working independently outside of the state may participate in shared pharmacy services with a pharmacy in this state if the pharmacist holds (1) a current license as a pharmacist issued under AS 08.80 and this chapter, and (2) a current license to practice as a pharmacist issued by the licensing jurisdiction where the pharmacist is working." Ms. Horetski noted the draft had requirements for a pharmacy to participate in shared pharmacy services, and that the regulation should include requirements for the pharmacist. After further discussion it was decided that there should be standards for pharmacies and standards for pharmacists who wanted to enter into "shared pharmacy services". The pharmacist working independently must be licensed by the State of Alaska whether or not they were located inside the state. They would also be required to hold a license in the jurisdiction in which they were located if they were working outside of the state. It was also noted the pharmacist as well as a pharmacy providing the services must have a contractual agreement with the pharmacy receiving the services. Mr. Holm noted the same standards would apply for an independent pharmacist and a pharmacy. It was noted the board would not require an application for approval, but the regulation would give standards for pharmacies that wanted to enter into a Shared Pharmacy Services agreement. The board decided that too much of the draft needed to be looked at "with a fine tooth comb", and they would have to review at a later date. Ms. Horetski and Mr. Maiquis disconnected from the meeting.

Ms. Bouche re-joined the meeting at 3:10 p.m.

The board revisited the regulations for "Approval for operation of a remote pharmacy". Mr. Holm stated the wording should include a remote pharmacy may not renew the license if a "brick and mortar" pharmacy were to move into the community within 10 miles of an existing remote pharmacy. After further discussion, the board decided to add (3) to the new section which would state, "in the event a pharmacy, not including a remote pharmacy, is licensed to operate within a 10 mile radius of an existing remote pharmacy, the license for the remote pharmacy will not be considered eligible for renewal." The board also decided to take out (c) and change (2) to, "that there is no access within a 10 mile radius to

an established pharmacy in the community in which the remote pharmacy is to be located.”

The board briefly discussed the Envision Telepharmacy request and decided the board had “too much on their plate” and would wait until a future date to discuss. The board noted the Shared Pharmacy Services, Remote Pharmacy, and wholesale distributor regulations which the board would need to complete before taking on more regulation projects.

Agenda Item 7 License Application Review

The board reviewed the pharmacy technician license application for Dawn Gates. It was noted Ms. Gates holds a nursing license in the state.

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

RESOLVED to approve the pharmacy technician license application for Dawn Gates.

On a motion duly made by Mr. Holm, seconded by Ms. Boucha, and approved unanimously, it was

RESOLVED to approve the Consent Agreement for Wanda Weatherby.

Ms. Mundell signed the consent agreement. It was noted that Ms. Weatherby’s previous name was Adams.

On a motion duly made by Mr. Holm, seconded by Ms. Oberts, and approved unanimously, it was

RESOLVED to approve the license applications as read into the record.

Retail Pharmacy-
Providence Apothecary-pending original signed and notarized application

Remote Pharmacy-
Safeway Pharmacy #1834

Drug Room-
Fresenius Medical Care South West Anchorage, LLC

Technicians-
Dawn Gates

Pharmacists-

Madeline Carpenter- pending passing MPJE score, verification from Oregon
Gabriel Florit- pending transcripts, passing MPJE score, verification from Florida
Stefan Klaves- pending passing MPJE score

The board recessed at 4:17 p.m. until 9:00 a.m. Friday morning at the Marriott Hotel.

Friday February 20, 2009

Call to Order/Roll Call

The meeting was called to order by Mary Mundell, Chair, February 20, 2009 at 9:05 a.m. Those present constituting a quorum of the board were:

Kathe Boucha
Richard Holm, R. Ph.
Mary Mundell, R. Ph.
Leona Oberts
Dirk White, R. Ph.

Steve Johnson was not present at the meeting.

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

Sher Zinn, Licensing Examiner
Susan Winton, Investigator

Visitors present:

Michael Crist
Bob Albertson
Bruce Philipp, Walgreens
Daiana Huyen, Walgreens
Erica Worhatch, Petersburg Rexall
Robert Gruszynski
Grant Kirr, Rx Plus
Freddy Kaniki, Maniilaq Health Center
Bill Altland, Whale Tail Pharmacy
Sarah Altland, Whale Tail Pharmacy
Lis Houchen, NACDS
Barry Christensen, Island Pharmacy, AkPhA

Nancy Davis, AkPhA
Lisa Gore
Margaret Soden
Joan Bittner
Henry Louie

Agenda Item 12 **Review Agenda**

No changes were made to the agenda.

Agenda Item 13 **Public Comment**

Bill Altland addressed the board. Mr. Altland noted that there was a push at the federal and state level for recruiting of health care providers including pharmacists. He suggested that for recruitment of pharmacists, there should be one person or agency who could be contacted for information for prospective pharmacists. He noted that if he were a pharmacist looking for information about being a pharmacist in the State of Alaska, he would call the Board of Pharmacy. He further stated that since the licensing examiner was the contact for the Board of Pharmacy, maybe the licensing examiner could give the information in regards to the inquiry, such as who to contact for specific information. Mr. Altland mentioned that Robert Sewell from the Department of Health and Social Services would be at the conference on Saturday. There had been a request from the Primary Care Association for state funding for loan repayment for medical professionals, especially nurses and pharmacists, and maybe he would have some of the information that could be disseminated to individuals. Mr. White asked if he meant a "clearing house" where all of the information could be funneled. Mr. Altland stated that not only a clearing house but some way to follow up on the inquiry. Ms. Mundell asked if Mr. Sewell could be used as a resource. Mr. Altland replied that he was not sure, but could find out. Ms. Mundell stated that she had been working with the Nursing board and found that they have a recruiting problem also. They had gone to the legislature and spoke of the problem of recruiting and retaining nurses as well as pharmacists. It was noted the Nursing board was surprised to find that there are no pharmacy schools in the state and that Alaska is the only state without one. Mr. Altland noted that there was a task force which included Nancy Davis and Barry Christensen, for recruiting of pharmacists.

Mr. Altland asked the board about the status of the request from the board for an attorney general opinion regarding licensing of Native Health Care pharmacies and pharmacists. Ms. Mundell stated there was no change to the status since the last time they had asked for an update. The attorney general's office had not finalized the opinion. She further mentioned since the opinion had not been finalized, the board would be asking for a refund of the fees they had paid for the draft. Ms. Zinn noted that the request for the amount of the fees the board had paid had not been received yet. The administrative manager for the division had

requested the information twice and had not received an answer. Ms. Zinn further stated that the new director for the division had been given all of the documentation for the request and she would be looking into the matter.

Mr. Altland asked if the board had received the complaint he filed about a facility on the Kenai Peninsula that had advertised on their website that they had a pharmacy. Mr. Altland noted the facility did not have a pharmacy license. Susan Winton, board investigator, noted that complaints do not go to the board until the investigation was complete and that the meeting was not the appropriate forum for discussing a complaint. Mr. Altland then noted that he just wanted to know that the complaint had been received and was the matter being addressed by the investigator.

Agenda Item 14 **Michael Crist**

Michael Crist addressed the board. Mr. Crist noted he was a pharmacist that had practiced in Utah and Washington. Most recently he had worked at a poison center. He stated that the board was “a nice pharmacy board, real small, and not controlled by big corporations, which is a problem in a lot of other states”. He stated he had worked on a lot of native reservations including the Lakota, Blackfoot, Navajo, Pueblo, and said he “even had some Native American heritage”. He had seen “some stuff” and “some things” that upset him. He had seen “crazy pharmacists poison people’s dogs, pharmacists harass native people because they smelled bad, you know they don’t have any water up there in the middle of nowhere, they can’t take showers and baths”. He stated that native people should get professional health care. “I came up here to work for SEARCH quite legally with my Washington state license. Probably hundreds of pharmacists who had been there last summer. And uh, I know pharmacies ruff, you all have it nice up here. I’ve seen pharmacies that have spent all their time doing insurance, pharmacists working a cash register because they were too cheap to hire a clerk. I’ve seen pharmacies where people don’t even get counseling where they outsource pharmacists from India. I’ve seen so much weird stuff. I’ve seen pharmacies where the manager comes in and says you have to give out controlled substances. Even hospital pharmacies where they are the most profitable part of the pharmacy, cutting back on pharmacy staff to the bare bones. You know it really hurts healthcare in this country.” Mr. Crist went on to talk about where he had worked last summer. A pharmacist came to work drunk everyday and the pharmacy manager did nothing about it. Mr. Crist stated, “I am so tired of mans inhumanity to man”. He said he had brought this up to the investigator and she asked him if he had been working in the pharmacy legally. He said “it was like shooting the messenger, and I have real problems with that. And I just felt like, I am not going to apply for a license up here”. He said he felt like it should be brought out because “I am just tired of it”. He said that was all he wanted to say to the board. Ms. Mundell thanked Mr. Crist.

Ms. Mundell noted for the public that the board looked sparse but the board was full. One member had taken a job in the lower 48 and Steve Johnson, a

pharmacist had replaced him but was unable to attend the meeting. Two other members had been appointed including CJ Kim, a pharmacist from Anchorage and a new public member who would be replacing Ms. Oberts, Leah Handley from Homer. Ms. Mundell noted that it was Ms. Oberts last meeting and that the board would miss her. It was noted that Ms. Oberts had recommended Leah Handley to be appointed to the board.

Agenda Item 15 **Legislative Update**

The board discussed SB 70 which involved Naturopaths. The bill if passed would allow naturopaths to prescribe drugs, vaccinations, hormones, and medical devices in accordance with statutes. It would also create a Naturopathic Medical Board. Mr. Holm said that one of the five board members would be a licensed pharmacist. Ms. Boucha said that the prescriptive authority would be limited to the naturopath's scope of practice. Ms. Mundell noted that in the past, the Board of Pharmacy recommended that naturopaths only be allowed to prescribe within their scope of practice. Ms. Oberts asked why they wanted their own board. Ms. Boucha noted that they wanted a board because the familiarity of their scope of practice was not prevalent among the State Medical Board which is primarily allopathic and osteopathic representation. She also noted that their education and expectations for continuing education are different, and they are breaking into professional practice in Alaska, that it would be more safe and respectful if they had their own board. Ms. Boucha further stated that it had "strong champions" among the legislature but was moving very slowly. It had been around for a long time and that most of the resistance seemed to be from the State Medical Board. Sarah Altland asked the board if a naturopath could have a DEA registration because she had received prescriptions by naturopaths from the state of Washington. Mr. Holm noted that in the past the same question had come up. It was determined that pharmacists in the state of Alaska could fill prescriptions from naturopaths in another state as long as that state allowed the naturopaths to prescribe and was in their scope of practice. It was further noted that if the naturopaths in Alaska would obtain the authority to prescribe controlled substances, they would have to obtain a DEA registration to do so. Mr. White said that a pharmacist in their professional judgement, had the right to refuse a prescription. If the pharmacist felt the prescription was outside their scope of practice, or the dosage was wrong, they could refuse to fill it. He further stated that even though it may be legal in Washington, it does not mean a pharmacist would have to fill it. Barry Christensen noted that the pharmacist must be very familiar with the state's laws concerning practitioners and their scope of prescriptive authority in that state. Mr. Christensen further noted that would be a good thing to put in the board's newsletter, to make pharmacists aware they could fill prescriptions from other states as long as they knew the laws of that other state.

The board discussed SB 38. One aspect of the bill would require pharmacy benefit managers to be subject to oversight by the division of insurance. Ms. Mundell noted the bill had specific requirements regarding how they could

operate, what types of programs they could offer, among other things. She noted that other states had requirements regarding audits. How they were allowed to audit pharmacies and transparency, including any drug reimbursements from drug companies. Ms. Mundell stated it was very important to read carefully, and if you had ever been audited by one, that you should contact your legislator and give comments on the issue. She said she had been audited two days before the end of tax season and trying to get two years of prescriptions while trying to complete tax work was very difficult. They would take one prescription that may be wrong and extrapolate the error rate for all 2000 prescriptions and state that so many would then be wrong and tell you that you would have to reimburse them for so many wrong prescriptions, even though the prescriptions may not have been wrong. The new laws in other states say they may not do that any longer. She stated she would like to see very strong laws regarding PBM's. Mr. Christensen noted he was a co-chair for the legislative committee for AkPhA. He said he had spoken with the lobbyist the previous night. Senator Kim Elton from Juneau was the sponsor of the bill. He said it was introduced last year but did not pass. The current bill was better than last year's bill. Mr. Christensen stated Ms. Mundell's concern was addressed on page 14 of the bill. He noted that Senator Elton was being considered for a political position in the Obama administration and that was unfortunate for AkPhA. He said he was still hopeful since the legislature was in the first year of a two year cycle. He further stated he thought there was momentum for this type of bill. Ms. Mundell said there were many states that had laws regarding PBM's that were called "Pharmacy Integrity Acts". There is a big push to control the PBM's and their inappropriate management techniques. Nancy Davis noted that there would be a petition to sign for SB 38 available during the conference. She also noted AkPhA wanted pharmacists to write letters to their legislators regarding the bill. Mr. Christensen noted they were also looking for more sponsors for the bill. It was noted there would be a legislative fly in to Juneau to speak with legislators in March. Mr. White noted that as a member of the board and a pharmacist, this was in the best interest of the public's health and wellbeing. Doing the work that PBM's require takes time away from the patient.

Mr. Holm noted for the public that the Prescription Drug Monitoring Program would take longer. The grant the board had expected was denied. The board would have to reapply for the grant and the board would not know until October if they had received the grant. If the board received the grant, it would be January before the program would go forward and possibly have the program up and running by January 2011. Ms. Mundell noted the board would like to have two or three pharmacies test the software before the program was implemented for all pharmacies. She further stated it would be the rural communities that would have problems with the system depending on what type of computer system they had. Ms. Mundell noted for the audience that the board was doing well financially and if next year there is a surplus, the board may be able to reduce license fees.

Break- Off the record at 10:10 a.m.

On the record at 10:35 a.m.

Ms. Boucha left the meeting noting that she would not return.

Agenda Item 16 **New Business**

The board discussed pharmacist/technician ratios. Mr. White asked if the board wanted to make a regulation regarding a pharmacist/technician ratio as some other states had. He said that so far it had been left to the discretion of the pharmacist. He said he had received a call from a pharmacist who had stated they had asked for another pharmacist in the pharmacy but the management said they would give them more technicians but not another pharmacist. He asked the audience if that was something they would like the board to look at. Ms. Oberts asked if the board should look at levels of pharmacy technicians in conjunction with ratios. Mr. White noted that Washington used to have levels of technicians but was not sure they still did. Ms. Mundell asked Ms. Houchen if she knew if NABP had a model regulation for pharmacy/technician ratios. Ms. Houchen said they did not have one but noticed that most places usually have three technicians to a pharmacist. However, during specific times, for example when a pharmacist was taking a lunch or during other high peak times such as after a weekend, the ratio would be up to six technicians per pharmacist. Not having a ratio would allow for flexibility. She said that Washington now had a ratio of three technicians to each pharmacist and they do not have an A and B technician as before, but now have a tech and clerk. Sarah Altland asked if the board was going to require certification for technicians. Ms. Mundell stated that NABP and ASHP had recommended it but the board was against it, that it would not be beneficial to the state at this time. She noted the board had told NABP that it should be a state issue and not federally mandated. Mr. White said there were three different technician exams that could be taken. Ms. Davis said that Katheryn Crowther, pharmacy technician advocate, on the AkPhA board had taken the PTCB and the ExCPT exams and had compared them in the AkPhA newsletter. The PTCB exam covered more calculations and therefore was more for a hospital setting while the EXCPT exam covered the information in the manual and was not as difficult as the PTCB exam. Ms. Zinn noted the regulations allow PTCB certification in lieu of ten hours of approved continuing education. Mr. White asked if the board should look at adding other programs for acceptance for continuing education for pharmacy technicians. The board decided to discuss the continuing education regulation at the next board meeting.

Mr. White noted another item of concern. He stated he had been contacted by a few people regarding physicians and nurse practitioners that told patients they could pick up their prescription at XYZ pharmacy. Mr. White noted that was a concern since patients should have the right to choose which pharmacy they want their prescriptions filled. Mr. Altland noted that community health centers in Alaska that receive federal funds, must allow the patient the choice of pharmacy. Ms. Houchen noted that the state of Washington has language that gives the patient the choice of pharmacy where the prescription is to be filled. Ms. Mundell

said the subject dovetails with another situation that had come up in the last couple of months. She noted that there were a couple of physician offices in Wasilla and Eagle River that had a machine that dispensed the prescription medication in the lobby of the office, instead of giving the patient the choice of where the prescription was to be filled. The prescription is sent electronically to the machine and the patient picks up the medication as they leave the office. She stated they were concerned about who was filling the machine, are they being counseled, can they get refills, and that the patient did not have the choice of pharmacy. Are they complying with federal laws, do they dispense controlled substances? Ms. Mundell said the board may not have purview over the dispensing machine in a physician's office but the board was concerned. It was noted the board may have to obtain statutory authority to have purview over dispensed medications from practitioner' offices. Mr. White said there were too many unanswered questions. They have gone beyond the tradition of dispensing samples and have crossed a line from practicing medicine into practicing pharmacy. It was decided the board would write a letter to the State Medical Board and outline their concerns.

Agenda Item 17 Office Business

The board signed the wall certificates, approved minutes and TA's.

On a motion duly made by Ms. Oberts, seconded by Mr. Holm, and approved unanimously, it was

RESOLVED to adjourn the meeting.

Off the record at 11:30 a.m.

Respectfully Submitted:

Sher Zinn, Licensing Examiner

Approved:

Mary Mundell, R. Ph., Chair

Date:_____