

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
September 25-26, 2008**

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 September 25-26, 2008, at the Atwood Building, 550 West 7th Ave., Suite 1860, Anchorage, Alaska.

Call to Order/Roll Call

The meeting was called to order by Mary Mundell, Chair at 9:03 a.m. Those present constituting a quorum of the board, were:

Richard Holm, R. Ph.
Mary Mundell, R. Ph.
Kathe Boucha
Leona Oberts
Dirk White, R. Ph.
Robert Young, Pharm D

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

Sher Zinn, Licensing Examiner
Brian Howes, Senior Investigator

Visitors present:

Adam Paulick, Division IT Manager-Agenda Item 5
Ted Bradley, Procurement Manager-Agenda Item 5
Gregory Davda, Sr., Optimum Technology-Agenda Item 5
Greg Kosater, R. Ph., Health Information Designs-Agenda Item 5
Jason Hargrove, Goold Health Systems-Agenda Item 5
Ron Miller, Carrs-Safeway

Agenda Item 1 Review of Agenda

The board reviewed the agenda, no changes were made. Mr. White noted he would like to discuss that the board submit a letter to request a refund of the fees the board was billed for time the Assistant Attorney General spent on the draft opinion the board requested from the Attorney General regarding licensing of Native Health Facilities.

Agenda Item 2 Review Minutes

The board reviewed the minutes from the May 8-9, 2008 meeting. No corrections were noted.

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

RESOLVED to approve the minutes of the May 8-9, 2008 meeting.

Ms. Mundell signed the minutes.

Agenda Item 3 Ethics Disclosure/Goals and Objectives

There were no ethics violations to report.

Agenda Item 4 The board noted 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.

Ms. Mundell noted that when she had attended the NABP District 6, 7, & 8 meeting earlier in the month, it was determined that Alaska should host the 2010 NABP District meeting in Anchorage.

Agenda Item 13 Office Business

Ms. Zinn handed out the expense report to the board. It was noted the renewal ended July 1, 2008 and the fees from the renewal put the board in the black for the year. Ms. Zinn also said that it appeared the fees may be reduced at the next renewal. The board would know more information to determine how much the fees would be lowered approximately ninety days before the end of the current renewal period.

Ms. Mundell noted that if they hold the NABP District meeting in Anchorage in August of 2010, there would be continuing education programs available for pharmacists and stated pharmacists in the state could also attend the programs. She also said she would find out from the Utah Board of Pharmacy how much money they had spent to host the meeting in 2008.

Ms. Mundell said while at the NABP meeting, there were discussions regarding national certification of technicians. Ms. Mundell said that it was being pushed hard and stated that the Alaska Board's position was they were not for it. The logistics of the state would make it difficult for technicians to become certified, especially those that live in the bush. She further stated it should be a state issue.

Dr. Young said that there could be two levels of technicians. The technicians who were certified would be able to have more responsibility than those who were not certified.

Mr. White left the room at 9:33 a.m. and returned at 9:35 a.m.

Agenda Item 5 Prescription Drug Monitoring Program

Adam Paulick, department IT Manager joined the meeting. Ted Bradley, department Procurement Manager joined the meeting via telephone to listen to the PDMP vendor presentations.

The vendors who gave presentations included:

Greg Davda, Sr. from Optimum Technology based in Columbus, Ohio.

Greg Kosater, R. Ph., from Health Information Designs in Auburn, Alabama.

Jason Hargrove, from Goold Health Systems in Augusta, Maine.

It was noted by Mr. Howes that McKesson would hold their presentation on Friday at 10:30 a.m..

Mr. Davda gave the first presentation from Optimum Technology.

Ms. Mundell noted the program that would be chosen needed to be user friendly, time efficient, and cost effective.

Each vendor showed how pharmacies would submit the data as well as how to obtain solicited information and unsolicited information.

All vendors noted the systems were web based with a User ID and password to gain access to the system. Small pharmacies could also mail in paper information which could be hand entered into the system. Diskettes and CD's would also be able to be used for reporting for most vendors.

Mr. Davda noted the board should have at least one full time employee designated as the administrator for the PDMP.

Break- off the record at 10:43 a.m.
On the record at 11:00 a.m.

Greg Kosater, R. Ph. gave the presentation from Health Information Designs.

Ms. Oberts asked if the company sent a person to the state to educate them about the program and how it functioned. Mr. Kosater stated they would do so depending on who the administrator was. He also mentioned there would be an audit trail which would track the use of the system for queries. Mr. Kosater stated the system could also track who was not compliant with the reporting requirements.

Ron Miller asked if the data that was to be reported, included the dispensing date or the date the prescription was picked up by the patient. What if a prescription

was filled, but the patient never picked up the medication? Mr. Kosater didn't know how reversals would be handled but thought that they were a small part of the total picture and didn't think the reporting was 100% accurate. He further stated the pharmacy would have the signature of the person who had picked up the prescription if an investigation were to occur.

Mr. Howes asked if the dispensing occurred at the time the medication was taken out of one bottle and put into another. Mr. Miller said yes, unless you have a "point of sale" system. Then the dispensing would be at the time it was sold. Mr. White asked what would happen if a prescriber called in a prescription at one pharmacy and the patient ended up at another pharmacy. The pharmacist then would call the physician for the prescription. The physician would contact the other pharmacy and tell them to put the medication back. If the first one had been reported before the physician had cancelled the prescription, two prescriptions would be reported for one prescription. Jason Hargrove from Goold Health Systems stated that their system allowed for negative reporting which would show the prescription filled then right next to it would be a negative one, which would cancel the first one.

Lunch- Off the record at 12:06 p.m.
On the record at 1:02 p.m.

Jason Hargrove, Strategic Project Manager, gave the presentation for Goold Health Systems. Also present via telephone from GHS were Jim Clair, CEO, Laurie Roscoe, Director of Pharmacy Services, Donna Ford, PMP Coordinator, Erin Carpelicci, Help Desk.

Mr. Hargrove stated that GHS had the PDMP contract for Maine and Colorado. Colorado chose not to allow reporting by paper, diskettes or CD. Therefore, all reporting and queries are electronic. Maine will also go fully electronic in the near future. Mr. Hargrove explained the differences between the American Society for Automation in Pharmacy (ASAP) versions for the prescription-monitoring program. The 2005 version had everything but the "kitchen sink". The 2007 version is an "optimized" version which he believed most states would eventually adopt. He noted the board should decide early which version they wanted to use. Dr. Young asked if he had reviewed Alaska's law for the PDMP and if so, which version the board should use. Mr. Hargrove said that according to the legislation, the board would have to use the 2005 version because of the requirement to report the name of the dispensing pharmacist. The 2007 version does not have that requirement.

Mr. Howes asked if the system could track a prescriber who no longer had a valid license or who was restricted in what they could prescribe. Ms. Roscoe said that could be part of the standard quarterly, monthly or yearly report.

Mr. Howes said the state should be notified by September 30th if they had received the grant from the Department of Justice. He stated once the regulations were in place, some vendors could hold demonstrations at the AkPhA Convention. The division would determine what the requirements would be for

the Request for Proposal submitted to the board. The RFP would go out for 30 or 60 days. The vendors would give their proposal and then the proposals would be reviewed by the board, Mr. Bradley and Mr. Howes.

Ms. Mundell stated that she would like the vendor of the program to provide technician assistance during Alaska hours for at least the first six months of the program. Mr. Howes stated they could put the requirement in the RFP. Ms. Oberts noted the board could contact other states and ask if the product meets their needs. Mr. Howes said that he had talked with several states and none had reported any negatives with the program they had.

Agenda Item 6 PDMP Regulations

Ms. Zinn noted Jun Maiquis, regulation specialist, would draft the regulations after the board had reviewed and edited the proposed regulations written by Mr. Howes. Mr. Howes reviewed the statute language for what was required to be in the program.

Ms. Mundell asked what "Unsolicited Patient Profiles" meant on page 5 of the draft regulations. Mr. Howes stated it would be a profile based on parameters set by the board such as ten prescriptions per patient. The profile would then show if the patient was receiving all of the prescriptions from one prescriber or several prescribers, if the medication and dosage were the same. It would be a tool to help determine if the prescriptions were legitimate. Dr. Young asked if requests by patients for their own profile must be done in person at the office of the board's agent. Mr. Howes noted that if the person was in an outlying area it would be hard to get to the office. The board should decide how that person could apply to get their profile and still verify the person's identity. Mr. Howes noted that the law stated the board could not charge more than ten dollars for a personal patient profile, but were not required to charge a fee. However, the board needed to realize that some patients might be in the office once a week for a profile.

Ms. Mundell asked Mr. Howes what the difference between a subpoena and search warrant were. Mr. Howes stated both are signed by a judge. A search warrant was used for searching for information at a particular site, while the subpoena was a request for information. Ms. Mundell wanted assurance that the board would release information only under what the law would allow. Mr. Howes stated the statutory language was clear in that the board could not release the information to law enforcement or another board unless ordered by a subpoena, search warrant or order issued by a court.

Ms. Mundell asked if part of the grant money could be used for smaller pharmacies in a rural or bush area to upgrade their system so they could participate in the PDMP. Mr. Howes didn't think so but would try to find out. Ms. Bouche stated that there was a separate "frontier status" for certain states in regards to access of quality care. Mr. Howes said the board could use a waiver under #4 of the draft regulations. It stated the dispenser who requested the waiver was responsible for establishing the basis for the waiver. The

waiver would be for electronic reporting. The pharmacy could submit a request for a waiver as outlined and report the information in paper format approved by the board.

Mr. Howes noted he would like to do a survey of pharmacies to find out what kind of software they currently have and how burdensome reporting would be. Mr. Holm suggested the survey should include dispensing prescribers.

The board discussed which ASAP version to use. It was noted the dispensing pharmacist information was not in the 2007 version. Mr. White stated that the point of sale software does not have the dispensing pharmacist information. He asked if the dispensing pharmacist was the person doing the final check or the person consulting with the patient and handing them the medication. Mr. Miller said it may be a different pharmacist who gave the medication to the patient than the pharmacist whose initials were on the label. Mr. Howes asked the board if they should go back to the legislature and have that taken out of the law. The board agreed it was not important information and would not necessarily be the same pharmacist who actually dispensed to the patient. The pharmacy tracks the pharmacist who completes the fill, not the dispensing. It was noted that when the prescription is filled by a pharmacist, the pharmacy software shows the medication was filled and dispensed, but if the patient never picked up the prescription, it really was not dispensed. Dr. Young noted that the pharmacy information may not reflect the true picture of a dispensed medication if the information is not integrated with a point of sale contact showing the patient picked it up.

Mr. Howes stated that he could not use the information taken from the PDMP as his sole information for a case. It would be just one part of a case. He would need information from the pharmacy showing that the medication had actually been picked up and who had picked it up. Mr. Howes read the statute definition. "Dispense" or "dispensing" means the preparation and delivery of a drug or device to a patient or patient's agent under a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by, a patient. Ms. Mundell noted that the important information would be the prescriber, the patient and facility from which it was dispensed, not the dispensing pharmacist.

Mr. Howes asked the board if they wanted AS 17.30.200(b)(8) taken out since it was not necessary to have the dispensing pharmacist name. The board decided that a dispensing practitioner would be required to give their information under (7) of the same section which read, "the name of the drug outlet dispensing the controlled substance". Mr. Howes would go to the legislature and ask for a statute change to take that requirement out. Mr. Howes also suggested that the board take out the option to report by tape. The board agreed with Mr. Howes it was not needed at this point. Pharmacies could report by CD or paper if they could not report by using the internet.

Mr. Howes said he would contact another vendor, Atlantic and ask they attend the next meeting for a presentation. Ms. Mundell asked if the state could do its own PDMP. Mr. Howes said he felt it would be cheaper overall to go outside of the state system and enter into a contract with a vendor.

The board decided to look over the statute and the draft regulations for the PDMP and discuss on Friday. Ms. Zinn noted the statute for the requirements of the PDMP is under the Department of Health and Social Services, therefore the board may want to make it clear in the regulations what would be required for submittal of the information.

Ms. Oberts left the room at 4:10 p.m. and returned at 4:18 p.m.

Agenda Item 9 Division Updates

The board reviewed the information regarding the renewal. Ms. Zinn noted that the division had decided all renewals would be available online by the end of 2008. Post cards would be mailed to licensees notifying them of such.

Agenda Item 12 Correspondence

The board reviewed the correspondence.

Ms. Mundell noted that while at the NABP meeting, ACPE was not aware that Alaska was interested in starting a pharmacy school. Ms. Bouche said that she was on the advisory committee. She stated that UAA assumed they would have the pharmacy school. However, UAF was trying to get it at their campus. She further noted that all of the energy was going into the new Health Sciences Center. Ms. Bouche said she would find out the status and report to the board.

NABP Correspondence

NABP-September 9, 2008-Technician Certification Examinations-No action required.

NABP- September 4, 2008-Univ. of Georgia College of Pharmacy Accreditation Status-No action required.

NABP-September 3, 2008-State News Roundup-No action required.

NABP-August 15, 2008-Update on Georgia Litigation and Score Invalidation-No action required.

NABP-July 23, 2008-NABP E-News-No action required.

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

NABP-July 17, 2008-Florida Board of Pharmacy Removes 12 Year Requirement for Reciprocity-No action required.

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

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

General Correspondence

Kane & Shore, LLC-September 8, 2008-Response to Letter From Board-No action required.
Kane & Shore, LLC-May 15, 2008-Notice of Marketing/Business Practice-No action required.
Brian Terrio-July 30, 2008-Cancel Pharmacist License-No action required.
Michael Lessard-June 30, 2008-Pharmacy Technician License Renewal Fees-No action required.
Nancy Davis-July 21, 2008-Technician Survey Results-No action required.
ICPT-June 30, 2008-National Accreditation for Pharmacy Technicians, Alaska Regulation Changes-No action required.
Annette Island Service Unit-June 18, 2008-Report of Theft or Loss-No action required.
Annette Island Service Unit-June 18, 2008-Report of Theft or Loss-No action required.
NACDS-June 9, 2008-Surrender of Unused or Unwanted Controlled Substances-No action required.

The board recessed until Friday, 9:00 a.m.

Off the record at 4:32 p.m.

Friday September 26, 2008

Call to Order/Roll Call

The meeting was called to order by Richard Holm, Vice Chair, September 26, 2008 at 9:08 a.m. Those present constituting a quorum of the board were:

Kathe Boucha
Richard Holm, R. Ph.
Leona Oberts
Dirk White, R. Ph.
Robert Young, Pharm D

Ms. Mundell was not present at the meeting.
Ms. Boucha joined the meeting at 10:37 a.m.

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

Sher Zinn, Licensing Examiner
Brian Howes, Senior Investigator

Susan Winton, Investigator

Visitors present:

Emily Alexander, Envision Telepharmacy-Agenda Item 10
Ron Miller
Brad Bauer, McKesson-Agenda Item 5
Nancy Davis, Alaska Pharmacist Association-Agenda Item 14

Agenda Item 7 **Agenda**

The board reviewed the agenda and decided to add discussion of the letter to the Assistant Attorney General where time allowed. It was noted that McKesson would hold a presentation for the PDMP at 10:30 a.m.

Agenda Item 8 **Public Comment**

Ron Miller, from Safeway, addressed the board. Mr. Miller stated he would like to thank Ms. Zinn for the smooth renewal process. Mr. Miller addressed pharmacy technician certification. He said he would like the board to discuss at a future meeting that perhaps there could be two levels of technicians or have the option. Mr. Holm noted the board had discussed it at the last meeting and went on the record for being against the requirement. He further noted that Ms. Mundell had made the board's decision known at the NABP meeting earlier in the month. Mr. Miller also noted a concern he had regarding what some pharmacies call "rolling closures". "Rolling closures" are when a pharmacy is closed because they do not have the staff to keep the pharmacy open during lunch hour or at other times randomly. He stated that it was not in the public's best interest to have a pharmacy closed at random times. He said he would do whatever he could to keep his pharmacies open, even if it meant paying overtime. He noted the board may want to take a close look at the situation in the future. The last item Mr. Miller wanted to discuss was regarding a call he had received from a nursing home earlier in the month. He was told that a pharmacy had filled prescriptions and brought them to the nursing home on Thursday and notified them that they would not be able to fill prescriptions and deliver them on Friday. Mr. Miller said that was a public safety issue and made the pharmacy community look bad. The nursing home asked if Mr. Miller could fill the prescriptions and deliver them on Friday. If he could not, some of the critical care patients would probably have to be hospitalized. He wanted to make the board aware of the situation since 90 patients had been abandoned by the other pharmacy.

Agenda Item 10 **New Business**

Emily Alexander from Envision Telepharmacy, addressed the board. Ms. Alexander has a telepharmacy business in a couple of other states and asked the board to consider approval of the practice for the State of Alaska. The

business involves electronic supervision of pharmacy technicians in an institution from a remote site outside of the state by a pharmacist. Access is through a secure website. The pharmacist reviews the work of the technician via the website and communicates with the technician if the work is correct or not correct. The communication is through still image capture instead of streaming video. In remote areas there may be a shortage of bandwidth, therefore the still image capture did not take as much bandwidth. The still image capture also would allow the information to be kept for two years. All of the dialogue about the job is permanently attached to the record. Ms. Alexander stated the system worked well in a remote area with low volume, such as a drug room. The system is not meant for a situation where a pharmacist would be needed all day. Mr. Holm asked where the central pharmacy would be located. Ms. Alexander stated it would be in Texas, licensed by the State of Texas, Washington and soon to be licensed in Oregon. Mr. Holm asked Ms. Alexander if she was aware that current regulations would not allow it. Ms. Alexander said she knew that and had come to ask the board for approval of the system and was aware it would need to be a regulation change. Dr. Young noted that it sounded more like a shared pharmacy services issue than a telepharmacy issue, except that a technician could not be without direct supervision of a pharmacist. Dr. Young noted that he was all for innovation, but it would not meet current regulations. Ms. Alexander noted that it worked best if the Pharmacist in Charge of the facility were located in Alaska so they could visit the facility when necessary. Ms. Alexander said that in other states where the service is provided, the PIC does not have to visit the facility nearly as often with the service as otherwise would be required by the board. The PIC may review the work anytime from anywhere, so they would have access even if they were not in the pharmacy. Ms. Oberts asked who would be responsible for a mistake. Ms. Alexander stated it would be the PIC and ultimately the pharmacy. The PIC should be the one responsible for the telepharmacy services and “what we do and how we do it, and really directs us in the telepharmacy”. Dr. Young asked if there was verbal communication. Ms. Alexander said yes, but would try to steer them to written dialogue for documentation purposes. Mr. White asked what she would like the board to do. Ms. Alexander asked that the board consider the practice in Alaska, but not sure what the board had to do to allow it. Mr. White said it would take a regulation change and could take a year. He said “he could see it opening up a huge can of worms”, as a matter of convenience. Mr. Holm said he could see it being used for staffing problems. Another concern would be the pharmacist not being inside the state. Mr. Holm further stated he had some questions regarding the technician and who would be responsible for the technician and the level of the technician. Ms. Alexander said the oversight of what the technician was doing would mean that the level of the tech did not matter. The work had to be approved by the pharmacist. Mr. Holm thanked Ms. Alexander and said the board would take the matter under consideration. Ms. Alexander said she would forward the rules and regulations from the other states that allowed the program.

The board discussed writing a letter to the Attorney General to ask for a refund of the fee the board had already paid for the opinion the board had requested from

the Attorney General regarding the licensing of Native Health Care Facility pharmacies. Ms. Zinn gave a short history of the request for board members who were not aware of the situation. The board had requested the opinion many years ago from the Attorney General office, but had not received the opinion yet. The opinion had been drafted by Gayle Horetski, Assistant Attorney General for the Division and had forwarded it to the Attorney General. At this time it was at the Attorney General office in Fairbanks. She further stated that after seven years from the original request, the request would expire. It was determined Mr. White would write the letter and request a refund and a response by December 1, 2008.

Break-Off the record at 10:15
On the record at 10:37

Ms. Boucha joined the meeting.

Agenda Item 5 **PDMP**

Brad Bauer gave the PDMP presentation for McKesson. McKesson does the PDMP for the state of Kentucky, and implementing another one in a state on the west coast. A press release will go out in the next couple of weeks for that state. Mr. Bauer stated they had a 24 hour customer service center.

Agenda Item 11 **Mandatory Audits**

The board reviewed the mandatory continuing education audits.

On a motion duly made by Mr. White, seconded by Dr. Young and approved by roll call vote, it was

RESOLVED to approve the mandatory continuing education audit for Bonny Holm, pharmacy technician license #71.

Yeas- Ms. Boucha, Dr. Young, Ms. Oberts, Mr. White
Abstain- Mr. Holm

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

RESOLVED to approve the mandatory continuing education audit for Jeannie Lou Peabody, pharmacy technician license #428.

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

RESOLVED to approve the mandatory continuing education audit for Dawn Ressa, pharmacy technician license #267.

Agenda Item 13 Office Business

The board set the 2009 meeting dates as follows:

February 19-20, 2009
May 7-8, 2009
September 24-25, 2009

Election of Officers.

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

RESOLVED to retain all officers in their current positions.

Mary Mundell was re-elected at Chair, Richard Holm was re-elected as Vice Chair, and Dirk White was re-elected as Secretary.

Agenda Item 6 PDMP Regulations

The board revisited the PDMP regulations that Brian Howes had drafted. The board reviewed the regulations and decided to not revise them and direct Jun Maiquis, Regulation Specialist to draft them for board review at its next meeting.

Ms. Zinn notified the board that the Out-of-State Wholesale Drug Distributor Licensing legislation would not be in the division's omnibus bill as previously thought, therefore the board would need to find a friendly legislator to sponsor the legislation. Mr. White said he would bring it before the Alaska Pharmacists Association and perhaps they could find a legislator to sponsor the bill.

Lunch
Off the record at 12:01 p.m.
On the record at 1:00 p.m.

Agenda Item 14 Alaska Pharmacist Association Report

Ms. Oberts left the room at 1:02 p.m. and returned at 1:03 p.m.

Nancy Davis joined the meeting to give the report from the Alaska Pharmacist Association. Ms. Davis discussed the Winter Convention, continuing education, and legislative issues. The association would introduce legislation to regulate Pharmacy Benefit Managers, sponsored by Senator Kim Elton. A bill was

being drafted under the leadership of the Alaska Primary Care Association to fund loan repayment and Incentives for Health Care Professionals to include pharmacists. The Alaska Association of Naturopathic Physicians contacted AkPhA to support legislation for naturopaths to have the authority to administer vaccines, epinephrine and USP thyroid.

Ms. Oberts left the room at 1:17 p.m. and returned at 1:28 p.m.

Agenda Item 15 Investigative Report

Susan Winton, investigator, joined the meeting to give the Investigative Report. Ms. Winton noted the report reflected four investigations and 14 complaints have been closed.

Mr. White left the room at 1:36 p.m. and returned at 1:38 p.m.

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

RESOLVED in accordance with AS 44.62.310(c)(2)(3), to go into executive session for the purpose of discussing case # 2650-08-002.

Staff to remain in executive session.

Off the record at 1:52 p.m.

On the record at 1:58 p.m.

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

RESOLVED to approve the non-disciplinary consent agreement for case #2650-08-002, John Bacque, R. Ph.

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

RESOLVED to have Dick Holm sign the consent agreement in place of Mary Mundell, board chair, in her absence.

Mr. Holm signed the consent agreement for John Bacque, R. Ph.

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

RESOLVED in accordance with AS 44.62.310(c)(2)(3), to go into executive session for the purpose of discussing case #C2650-08-002.

Staff to remain in executive session.

Off the record at 2:06 p.m.

On the record at 2:21 p.m.

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

RESOLVED to deny the pharmacist license application of Jimmy Smith, R. Ph., case #C2650-08-002 based on AS 08.80.261(2), (4), (8) and (14).

The board cited the reasons for denial of the license, AS 08.80.261(2) “engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities” and, (4) “has been convicted of a felony or has been convicted of another crime that affects the applicant’s or licensee’s ability to practice competently and safely”, when the applicant was convicted in United States District Court for case #V 90 000 02-1 in the State of Texas. The charges of the felony convictions were one, failure to report dividend income on 1986 income tax return, and two, devise scheme to defraud and obtain money by submitting fraudulent claim forms through the US Postal Service. In addition the board cited (8) “engages in conduct involving moral turpitude or gross immorality” and (14) “engaged in unprofessional conduct, as defined in regulations of the board”, for the same convictions.

Agenda item 16 License Application Review

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

RESOLVED in accordance with AS 44.62.310(c)(2), to go into executive session for the purpose of discussing license applications.

Board staff to remain in executive session.

Off the record at 2:25 p.m.

On the record at 3:30 p.m.

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

RESOLVED to deny the pharmacy technician license application of Jennifer Cambra, case #C2656-08-003, based on AS 08.80.261(1)(4).

The board cited the reasons for the denial in AS 08.80.261(1) "secured or attempted to secure a license through deceit, fraud, or intentional misrepresentation", by failure to disclose a previous DUI conviction in 2007 on the application. Also cited was (4) "has been convicted of a felony or has been convicted of another crime that affects the applicant's or licensee's ability to practice competently and safely", because of two DUI convictions within a six month period.

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

RESOLVED to deny the pharmacy technician license application of Sandra Stater, case #2606-08-003, based on AS 08.80.261(1).

The board cited the reason for the denial in AS 08.80.261(1) "secured or attempted to secure a license through deceit, fraud, or intentional misrepresentation", by failure to disclose a Memorandum of Agreement with the Alaska State Board of Pharmacy as a pharmacy technician. Ms. Stater had a previous technician license under the name of Sandra Pastor-Jones. Ms. Oberts noted the MOA had case #2656-00-001.

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

RESOLVED to deny the pharmacist license application for Thomas Vickers, case #C2650-07-007, based on AS 08.80.261(7)(D).

The board cited AS 08.80.261(7) "is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety for the public because of (D) physical or mental disability", based on the psychological evaluation dated May 27, 2008, submitted to the board by Thomas Vickers.

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

RESOLVED to deny the pharmacy technician license application for William Argentino based on AS 08.80.261(7),(14) and 12 AAC 52.920.

Specifically the board cited AS 08.80.261(7)"is incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety for the public because of (C) addiction or severe dependency on alcohol or a drug that impairs the applicant's or licensee's ability to practice safely", based on the California Board of Pharmacy's decision dated August 30, 2007 in which the board determined that Mr. Argentino had not presented sufficient evidence of rehabilitation to the board. The board also cited AS 08.80.261(14) "engaged in unprofessional conduct" as defined in 12 AAC 52.920(a)(4) "acquiring, possessing, or attempting to possess prescription drugs in violation of AS 08.80, AS 11.71, or this chapter", noting the controlled drugs that Mr. Argentino diverted

from pharmacies in Michigan and California for his own use, including Ritalin, Demerol and Percodan.

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

RESOLVED to approve the pharmacy technician license application for Thais Rector.

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

RESOLVED to approve the pharmacy technician license application for Redford Kiminock.

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

RESOLVED to approve the pharmacy intern license application for Brandon Markley.

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

RESOLVED to approve the pharmacist license application for James Lee.

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

RESOLVED to approve the Out-of-State pharmacy license application for Aetna RX Home Delivery, LLC.

Ms. Zinn called Ms. Winton to come back to the meeting to discuss the license application for Russell Travis.

Ms. Winton noted that the felony conviction for Russell Travis was diverted after Mr. Travis completed the programs required by the court. Ms. Winton noted that for a diversion of a sentence, it is considered that the conviction was never entered into the record.

Ms. Boucha left the room at 4:10 p.m. and returned at 4:11 p.m.

Ms. Oberts left the meeting at 4:10 p.m.

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

RESOLVED to approve the pharmacist license application for Russell Travis.

Ms. Zinn asked Ms. Winton to discuss three renewal applications with “yes” answers.

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

RESOLVED to accept the renewal application for Robert Albertson.

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

RESOLVED to approve the pharmacy technician license application for Karen Kitz.

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

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

Cardinal Health- Pharmacy

Pharmacists-

Ananth Anthes- pending proof of 1500 intern hours, passing MPJE score

Bethany Arsenault- pending passing MPJE score

Colleen Barnes- pending transcripts, 1500 intern hours, passing MPJE score

Amber Burg- pending passing MPJE score

Owen Cabrera- pending passing MPJE score

Jennifer Denk

Angela Dingels- pending verification of 1 year of practice, passing MPJE score, verification of licensure from Minnesota

Kama Ethridge- pending passing MPJE score

Jessica Janecke- pending passing MPJE score

Shellie Lindley

Elizabeth Mills

Deon Pretorious- pending \$300 license fee, passing MPJE score

Elizabeth Pretorious- pending \$300 license fee, passing MPJE score

Renee Robinson- pending passing MPJE score, verification of licensure from Ohio

James Schaffer- pending passing MPJE score

Jana Vander Leest- pending passing MPJE score

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

RESOLVED to approve the Collaborative Practice Agreements as read into the record.

Safeway Pharmacy #2728 Lic. #418, Deborah Peay #1093, Kimberly Anderson ANP, #910-Immunization

Carrs Pharmacy #1802 Lic. #315, Ron Miller #580, Kimberly Anderson ANP #910-Immunization

Carrs Pharmacy #1817 Lic. #327, Kali Mues #1717, Kimberly Anderson ANP #910-Immunization

Carrs Pharmacy #1806 Lic. #317, Robert Hill #996, Kimberly Anderson ANP #910-Immunization

Geneva Woods Lic. #398, Julie Pritchard #1609, Donna Newkirk ANP #660-Immunization

ANHC Lic. #311, Jasper Wethington #992, Thomas Hunt, MD #3513-Immunization

ANHC Lic #311, Jasper Wethington #992, Thomas Hunt, MD #3513-Emergency Contraception

Soldotna Professional Pharmacy Lic. #378, Molly Hull #933, William Cooper, MD #2004-Immunization

The board signed the wall certificates and Travel Authorizations.

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

RESOLVED in accordance with AS 44.62.310(c)(2), to go into executive session for the purpose of discussing a renewal application.

Board staff to remain in executive session.

Off the record at 4:47 p.m.

On the record at 4:52 p.m.

On a motion duly made by Mr. White, seconded by Dr. Young, the meeting was adjourned at 4:52 p.m.

Respectfully Submitted:

Sher Zinn, Licensing Examiner

Approved:

Mary Mundell, R. Ph., Chair

Date: _____

