

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONA LICENSING

ALASKA STATE BOARD OF PHARMACY

MINUTES OF MEETING
JANUARY 27-28, 2005

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 January 27-28, 2005 at the Atwood Building, 550 West 7th Ave., Suite 1270, Anchorage, AK.

Call to Order/Roll Call

The meeting was called to order by Cindy Bueler, Chair, January 27, 2005 at 1:20 p.m. Those present, constituting a quorum of the board, were:

Cindy Bueler, R. Ph.
Bill Altland, R. Ph.
Gary Givens, R. Ph.
Gerry Knasiak
Laura Lee Nelson, R. Ph.-present telephonically
Michael Pauley
Margaret Soden, R. Ph.

Present from the Division of Occupational Licensing was:
Rick Younkins, Investigator (Agenda Item 6)

Present telephonically from the Division of Occupational Licensing were:
Sher Zinn, Licensing Examiner
Judy Weske, Licensing Supervisor (Agenda Item 5a)

Present telephonically from the Department of Law:
Gayle Horetski, Assistant Attorney General (Agenda Item 5a)

Visitors present were:

Jim Towle, Alaska Dental Society
R. Monkman
Tom Van Flein, Alaska Dental Society
Louise Kressly, Alaska Primary Care Association
Nancy Davis, Alaska Pharmacists Association

Agenda Item 1 Review of Agenda

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

RESOLVED to approve the agenda with the following amendments:

Add legislative audit to new business.

Agenda Item 2 Review of Minutes

The board reviewed the minutes from the meeting of September 16-17, 2004.

The following corrections were noted by Mr. Givens:

- Page 2-under Review of Minutes, change approved to approve.
- Page 7, item 7, 6th bullet-change medicare management to medication management.
- Page 15, item 18-under new business, strike “a” from “a being a health aid”.

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

RESOLVED to approve the minutes of the September 16-17, 2004 meeting with the corrections noted.

Agenda Item 3 Ethics Disclosure

There were no ethics violations to disclose.

Agenda Item 5a Legal

Gayle Horetski joined the meeting from the Department of Law. Ms. Horetski noted the Alaska State Medical Association’s lawsuit against the Board of Pharmacy was settled. As part of the settlement, the Alaska State Medical Association (ASMA) would ask the Alaska State Medical Board to adopt their own regulations. Ms. Horetski attended the Medical Board meeting last week with a rough draft of the proposed regulations as outlined by ASMA. The pharmacy board members reviewed the current rough draft that was revised after the Medical Board meeting, noting the changes the Medical Board requested. Ms. Horetski further noted that the proposed regulations have not been public noticed. The Medical Board would like to review the revised draft at its next meeting and allow ASMA to review it prior to it being sent out for public comment. Ms. Horetski outlined the differences with this proposed regulation and the pharmacy boards regulations. She stated the proposal would allow an agreement only between a physician and a pharmacist. The Medical board requested it be named “cooperative practice” so it would not be confused with the collaborative practice they currently have with physician assistants. Other proposed regulations not included in the pharmacy regulations are:

- Page 2 (9) a provision for the physician to override the agreement whenever the physician deems it necessary or appropriate;
- (10) an acknowledgement that the physician will not receive any compensation from a pharmacist or pharmacy as a result of the care or treatment of any patient under the agreement;
- (11) a prohibition on the administration of any schedule I, II, III, or IV controlled substances.
- (d) a physician must physically examine and evaluate a patient before that patient may be included under a cooperative practice agreement to which that physician is a party. The physician must issue a valid prescription or medication order for each patient and must renew it, if appropriate, at least every six months.
- (f) A physician who enters into a cooperative practice agreement must keep a copy of the written agreement and the records of all patients treated under it during the period of the agreement and for at least seven years after the termination of the agreement.
(The board of pharmacy currently requires two years.)
- (h) The board may periodically review cooperative practice agreements approved under this section.
- (j) Notwithstanding the requirements of (b) of this section, a physician who, before the effective date of this section, has entered into a cooperative practice agreement with a pharmacist that has been approved by the Board of Pharmacy under 12 AAC 52.240 and is still current, must obtain the board's approval of that agreement under this section within six months after this section takes effect.

Ms. Horetski suggested a letter to the medical board would be appropriate if the board has concerns or would like to comment on the proposed regulations. Ms. Bueler noted the pharmacy board would send a letter to the medical board and copy Ms. Horetski.

Ms. Horetski noted that this is public record, so the board can solicit comment from national or state associations. Ideas for improvement are encouraged. She noted the medical board would be looking at this again at their next meeting in April and may revise again before the 30 day public comment period. It would take a minimum of six months to go through the regulation process. She further noted that Leslie Gallant, Executive Administrator for the Medical Board, has polled a dozen states regarding this, and perhaps some of the language was pulled from other states statutes or regulations.

Ms. Horetski discussed with the board the pending Attorney General's opinion of licensure of pharmacies in native facilities. She asked the board for their guidance or views regarding the opinion. She further noted the letter provided to the board from Sonosky, Chambers, Sachse, Miller & Munson, LLP, representing a coalition of Alaska tribal health organizations.

Ms. Soden stated she would like to have this resolved as quickly as possible, she does not have an opinion either direction. Mr. Altland stated that it is not just who owns the pharmacy that is important, but who their patients are. What was not addressed in the letter was who the patients are and what the board's role is for those patients.

Agenda Item 4 Goals and Objectives

No changes were made to the Goals and Objectives. Ms. Bueler stated the board should keep in mind the Goals and Objectives when considering board business.

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 their affiliation with NABP and send one board member to the District VII NABP meeting and two members to the annual NABP meeting. The Division's budget currently allows one out-of-state travel per fiscal year; this is generally used for attendance at the District VII NABP meeting.

The board will continue to evaluate the need for regulations specific to facility activities (i.e.; retail pharmacies, drug rooms institutional pharmacies, home infusion pharmacies, nuclear pharmacies, remote sites, sterile products, etc.).

8. The board will continue to evaluate regulations regarding the electronic transmission of prescriptions.
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 prescription drugs.

Agenda Item 5b Review of Proposed Regulation Changes

The board reviewed the proposed Telepharmacy regulation project. There were no changes noted.

On a motion duly made by Ms. Soden, seconded by Ms. Nelson and approved unanimously, it was

RESOLVED to send the regulation project as written to the regulation specialist for public notice including Telepharmacy, ACPE name changes and fee changes as outlined in the attached proposed regulations.

Ms. Bueler noted the generic labeling statute that was passed by the legislature last year. If a physician writes a prescription for Lasix, and the pharmacist dispenses Furosemide, both names must be on the label. If a physician prescribes Furosemide, the generic name of Lasix, the statute doesn't say you must put both the brand name and generic name on the label. If the prescription is written for the generic medication and you dispense the generic medication, you wouldn't have to put anything else on the label. This then would not solve the problem of the patient who was prescribed the generic medication. Ms. Soden noted it does not solve the maker of the statute's intent.

Break Off record at 2:05 p.m.
On record at 2:25 p.m.

Agenda Item 6 Investigative Report

Investigator Rick Younkins joined the meeting at 2:25 p.m.

The board reviewed the case list for the investigative report. Mr. Younkins outlined the investigative process for the board.

On a motion duly made by Ms. Soden, seconded by Ms. Knasiak, and approved unanimously, it was

RESOLVED to accept the investigator's report.

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

RESOLVED to enter executive session in accordance with the provisions of Alaska Statute 44.62.310(c)(2), to discuss the matter of Larry Dean Payton, Case #2600-04-015.

Off record at 2:40 p.m.
On record at 2:47 p.m.

Board members and staff, Rick Younkens and Sher Zinn were present during executive session.

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

RESOLVED to amend the previous motion to go into executive session to include Case # 2606-04-005 and Case #2602-04-004.

Off record at 2:50 p.m.
On record at 3:00 p.m.

Board members and staff, Rick Younkens and Sher Zinn were present during executive session.

On a motion duly made by Ms. Soden, seconded by Mr. Givens, and approved unanimously (7 yeas, 0 nays), it was

RESOLVED to accept the license surrender of September Hodgson, technician license #980, Case #2602-04-004.

On a motion duly made by Mr. Givens, seconded by Ms. Soden, and approved unanimously (7 yeas, 0 nays), it was

RESOLVED to accept the Memorandum of Agreement as written for Larry Dean Payton, pharmacist license #1234, Case #2600-04-015.

On a motion duly made by Mr. Altland, seconded by Mr. Givens, and approved (6 yeas, 1 abstention), it was

RESOLVED to accept the Memorandum of Agreement as written for Pattariya S. Greathouse, technician license #, Case #2606-04-005.

Ms. Soden noted for the record that the board has had very good communication from investigator Rick Younkens, and praised him for the excellent work he has done for the board.

Agenda Item 7 Report by Alaska Pharmacists Association

Nancy Davis, Association Executive Director presented a report from the Alaska Pharmacists Association (AkPhA).

- Continuing education report, 16.5 hours to be offered at the 39th Annual AkPhA convention scheduled for February 25-27, 2005 at the Captain Cook Hotel.
- Providence Alaska Medical Center will co-sponsor several presentations in 2005.

- Kathi Baldwin, UAA Program Director of the Pharmacy Technician Certificate Program, is pursuing opportunities for a co-sponsorship with AkPhA to offer CE for five, three credit courses.
- Ballots will be tallied in February prior to the convention for 2005-2006 Board of Directors.
- AkPhA quarterly newsletter deadline for the board of pharmacy report is April 15, 2005.
- Legislative update provided by Caren Robinson, AkPhA Lobbyist and Barry Christensen, AkPhA legislative chair. The current bill of interest to the Association is SB 42, Naturopathic Medicine Task Force. Richard Holm has been appointed to the task force to represent AkPhA.
- There is a dinner with legislators and pharmacists planned for March 16th. The legislative committee has contacted a key legislator who has agreed to work on legislation that would recognize pharmacists as healthcare providers.
- AkPhA continues to monitor Uniform Prescription Drug Card regulations, the proposed legislation for the Narcotic Tracking Program and Workmen's Compensation statute changes.

Mr. Pauley noted the article Ms. Bueler handed out to all board members regarding Oklahoma passing a law to sell medication with "pseudoephedrine" behind the pharmacy counter. Since the law was passed a year ago, there has been a reduction of "methamphetamine labs" by 80%. If the information is true, he would expect the Alaska legislature to pass a similar law soon. Ms. Bueler noted that in the article, "in the last 10 months, the amount of "meth labs" has dropped by 80%". She further stated other states are currently looking into passing a similar law.

Mr. Altland stated he would like to see the association or the pharmacy board, support a bill like this. Nancy Davis stated she would share the article with the board of directors at its next meeting.

Agenda Item 8 **Public Comment**

No one was present for public comment.

Agenda item 18 **New Business**

Ms. Bueler noted that Laura Lee Nelson and Gerry Knasiak's board terms would be ending soon. The board discussed how they could recruit pharmacists and the public outside of the Anchorage area, to apply to the office of Boards and Commissions for appointment to the board. Ms. Bueler suggested the board could ask Nancy Davis to communicate to AkPha, the positions that will be available on the board. Ms. Bueler asked Ms. Nelson and Ms. Knasiak if they would be available to continue on the board until the positions are filled. Both agreed they be able to attend the April 28-29, 2005 board meeting if needed.

Agenda item 16 NABP Update

Mr. Givens gave his report to the board regarding the NABP meeting in Phoenix, Arizona that he and Ms. Bueler attended in January. The meeting consisted of reviewing Alaska's pool of 2036 questions for the Multistate Pharmacy Jurisprudence exam. The NABP asks two board members from each state board to review the questions. Mr. Givens and Ms. Bueler reviewed the questions over a period of two and a half days. Out of 2036 questions, they eliminated 286 and added 20 more questions. The goal was to reach a net number of 1800. The tests get more difficult as the candidate answers more questions correctly. Therefore they would need a large pool of questions for each level of difficulty. The goal was to see if Alaska law had changed in the last year and therefore some questions would no longer be valid.

Ms. Bueler noted that in June of this year, there would be a one day question writing session in Chicago.

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

RESOLVED to recess and return at 9:00 a.m., January 28, 2005.

Recess

The board recessed at 4:05 p.m.

Call to Order/Roll Call

The meeting was called to order by Cindy Bueler, Chair, January 28, 2005, at 9:06 a.m. Those present, constituting a quorum of the board, were:

Cindy Bueler, R. Ph.
William Altland, R. Ph.
Gary Givens, R. Ph.
Gerry Knasiak
Laura Lee Nelson, R. Ph.-present telephonically
Margaret Soden, R. Ph.

Michael Pauley arrived at 9:09

Present from the Division of Occupational Licensing was:

Sher Zinn, Licensing Examiner-present telephonically
David Stebing, Hearing Officer, agenda item 12

Agenda Item 9 Review of Agenda

The Medical Board's Cooperative Practice proposed regulations, and discussion of AG opinion of licensing Federal Native Facilities was added to Agenda Item 12, Licensing.

The Continuing Education Audit, Agenda Item 12, was postponed until the April meeting.

On a motion duly made by Ms. Soden, seconded by Ms. Knasiak, and approved unanimously, it was

RESOLVED to approve the agenda as amended.

Agenda Item 10 Review of License Applications

After discussion, the board decided to revise the Certificate of Moral Character form to exclude family members from completing the form. Ms. Zinn noted that this would be done soon when all applications are revised to reflect the new name of the department to the Department of Commerce, Community and Economic Development.

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

RESOLVED to approve the following applications for licensure:

Lysa A. Todd, pharmacy technician
Thomas R. Frazier, pharmacist
Professional Infusion Pharmacy, Inc., retail pharmacy, location change
Geneva Woods Mat-Su Medset Pharmacy, retail pharmacy, location change, name change
Ron's Apothecary Shoppe, Collaborative Practice Protocol application
Bernie's Pharmacy #370, Collaborative Practice Protocol renewal
Hewitt's Pharmacy #402, Collaborative Practice Protocol renewal

Dharna Begich's application was deferred until the board receives the preliminary application for license transfer from the NABP.

Agenda Item 12 Licensing

The board discussed the Attorney General's upcoming opinion on licensing of native facilities. Mr. Givens asked why the board requested the opinion. He felt it would be good to clarify the purpose of the request. Ms. Soden gave a history of the request, noting that there was some confusion because some facilities license their employees and some do not. There should be consistency in licensing. It sounds like there is no agreement between the native facilities on whether they should be licensed. Is it the board's responsibility to make sure all are licensed, or is it out of the purview of the board of pharmacy. The federal government no longer owns everything as before. The board of pharmacy's purpose is to protect the public. Mr. Givens asked the board if the intent is to make sure the public is safe or just that they want to make sure everyone is licensed. He brought up military bases which are federal facilities and treat the public. Mr. Altland noted that they are federal beneficiaries. Ms. Soden said it was brought up in 1997, what if a patient was serviced by a pharmacy that was not licensed and wanted to file a complaint. The board would not have jurisdiction since they are not licensed. Who would they make the complaint to? Mr. Givens wanted to know what would the board do with the opinion. If the AG rules that they have to be licensed, how would the board enforce it. The effect would be nation wide and would affect the cost of drugs since native facilities buy drugs at a federal discounted rate.

Mr. Altland gave examples on why he believes the board should protect the public by the licensing of native facilities. He said that if we could review licensees, then we could license qualified pharmacists, this would help to protect public safety. Mr. Givens did not believe the examples gave proof that the board would not be able to protect the public. He stated he is looking at this as a board member, not as an employee of ANMC. He further stated he would like to have answers to questions that may be asked in the future regarding this. Ms. Soden noted that the board has been waiting for an opinion since 1997, now is the time for the decision, one way or the other.

The discussion was deferred to a later time.

Agenda Item 11 Hearing Officer's Decision

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

RESOLVED to enter executive session in accordance with provisions of Alaska Statute 44.62.310(c)(2), to discuss the hearing officer's decision in the matter of Deborah Coolidge, Case #2656-04-001.

Off the record at 10:07 a.m.

On the record at 10:17 a.m.

The hearing officer and board members only were present during executive session.

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

RESOLVED to adopt the hearing officer's decision in its entirety in the matter of Deborah Coolidge, Case #2656-04-001.

Break Off record at 10:19 a.m.
On record at 10:29 a.m.

Agenda Item 6 **Investigative Report**

On a motion duly made by Ms. Soden, seconded by Mr. Givens, and Approved unanimously, it was

RESOLVED to enter executive session in accordance with the provisions of Alaska Statute 44.62.310(c)(2), to discuss the license reinstatement of Sarah Martin.

Off record at 10:30 a.m.
On record at 11:02 a.m.

Board members and staff, Rick Younkings, and Sher Zinn were present during executive session.

On a motion duly made by Ms. Soden, seconded by Ms. Knasiak, and approved unanimously (7 yeas, 0 nays), it was

RESOLVED to reinstate surrendered license, #1135, of pharmacist Sarah Martin, pending board approval of a Memorandum of Agreement to be drawn up by Rick Younkings which will include documentation of continuing education requirements, supervision by another pharmacist with weekly contacts, provide quarterly reports, not work in a facility where she is the sole pharmacist, may not be a pharmacist in charge, duration of MOA to be one year.

Rick Younkings noted that once the MOA is drafted, reviewed by a board member, and signed by Ms. Martin, the board could then hold a teleconference for approval.

Agenda Item 12 Licensing

The board continued the discussion of licensing of native facilities. Mr. Givens stated he would like to go on the record as believing this is not in the best interest of public safety to pursue this matter, and may put patient safety at risk. Mr. Altland stated he highly supports continuing with this and believes the board is not alone. There are other organizations in the state which are also interested in this matter.

Ms. Bueler brought up the technician law exam which was considered by the board at its last meeting. The exam would be open book and would be required of all technicians. The board believes all technicians should be aware of the law and the exam would pull out the pertinent regulations for them. Ms. Soden wrote 28 questions for the exam. The questions are clear and concise with the answers and citations at the back for reference. Ms. Soden noted the two certified technicians she works with thought it would be a good idea. Ms. Nelson asked if this would be only for newly licensed technicians or all technicians and further stated that possibly it could be used for the first renewal of a technician license. Ms. Soden said that all technicians licensed in the state should have to pass the exam. Mr. Altland requested the licensing examiner to query other state boards to see how many other states require an exam for technicians. He stated he liked the idea and it would require technicians to read the law book.

Ms. Bueler will work on the wording to add the jurisprudence exam to the regulations for licensing of technicians and interns.

The board discussed the proposed Medical Board's regulations regarding "Cooperative Practice Agreements with Pharmacists". Some concerns included the necessity for a physician patient relationship for immunizations and emergency contraception. The board expressed that if the medical board does not make an exception to those two protocols, pharmacists would no longer be doing immunizations. Another concern was the prohibition of schedule I

through IV controlled substances. Ms. Bueler noted she would like the medical board to reconsider that requirement. It was decided Ms. Bueler would write a letter to the Medical Board and send a copy to the Alaska State Medical Association and the Alaska Pharmacists Association.

Agenda Item 5a The board further discussed the AG opinion regarding licensing of native facilities and requested Ms. Zinn to set up a teleconference to discuss the matter when the opinion was issued.

Agenda Item 13 Discussion of Prescription Drug Abuse Issues

Ms. Soden said that she and Mr. Altland had worked with Purdue Pharma on a draft prescription monitoring program and gave a copy to Representative Chenault. Ms. Soden noted that no bill had yet been introduced.

The board continued discussion from the previous day regarding “meth labs” and pseudoephedrine in the Arizona Republic news article. The article was based on a new law in Oklahoma requiring the sale of drugs containing pseudoephedrine to be sold behind the pharmacy counter. Since the law took effect 10 months ago, law enforcement had gone from closing down 105 “meth labs” per month to 19 per month. The board would like to pursue notifying the legislature that the board would support a law requiring medications with pseudoephedrine to be sold from behind the prescription counter. The board noted it would need to be a statute since the board does not have jurisdiction over grocery stores. The grocery stores would no longer be able to sell the drugs unless they had a pharmacy. Ms. Bueler stated it would be a small inconvenience for some but a greater impact on the illegal production of methamphetamines. Mr. Altland stated that he felt all law enforcement officers and organizations would support this. The board discussed writing a letter to legislators in support of a similar law to the one passed in Oklahoma. Ms. Bueler stated she would write the letter and have it delivered to legislators.

Ms. Nelson left the room at 11:52 a.m., returned at 11:56 a.m.

Break

Recess for lunch. Off the record at 11:53 a.m.
On the record at 1:05 p.m.

Agenda Item 12 Licensing

Ms. Bueler discussed with the board the collaborative practice protocol review process. Ms. Zinn had requested the board discuss the possibility of instituting a fee for processing, tracking and renewal of the protocols. Ms. Zinn also asked for clarification of who owns the protocol, for purposes of creating a database to track and make any changes to the existing protocol. After discussion, the board

decided the practice location, or pharmacy would be the “owner” of the collaborative practice protocol. If the principal pharmacist leaves the pharmacy, the board must be notified in writing of the new principal pharmacist. If the pharmacist would like to take the protocol to their new practice, they must submit a new Collaborative Practice Protocol application, and the protocol must be approved by the board. Ms. Bueler stated that the board would pursue a processing fee for Collaborative Practice Protocol applications. Ms. Zinn noted she would send letters to the principal pharmacists for all non-renewed expired protocols, notifying them of the expiration of the protocol.

Michael Pauley joined the meeting at 1:20 p.m.

Agenda Item 14 Legislative Update

The board discussed bill SB 42, Naturopathic Medicine Task Force. Ms. Bueler noted an article from a physician regarding naturopaths. Ms. Soden said in Oregon, naturopaths have limited prescriptive authority and also noted that Oregon has a very large school for naturopathy. The board's concerns were naturopaths not having the necessary training for prescribing medication. Mr. Altland asked if the board could get a report from AkPhA on the progress of the task force. After further discussion, Ms. Bueler said she would write the letter requesting the information from AkPhA.

Mr. Altland stated the legislative committee chair of the board of directors for AkPhA, has asked that a member of the Board of Pharmacy address them at their next meeting regarding the Prescription Monitoring Program. Ms. Soden stated that she met with them last summer during one of their legislative committee teleconferences and that there are no new updates. A bill has not been introduced yet for a Prescription Monitoring Program. Mr. Altland stated he would be available to speak with them by phone if needed.

Agenda Item 15 Division Updates

- Budget Report

The board reviewed the Budget Report provided by the Division of Occupational Licensing. Mr. Givens asked if the legal fees from the lawsuit from the Alaska State Medical Association were reflected in the budget. Ms. Zinn stated that the legal fees were reflected in the budget and further noted an e-mail from Judy Weske, Licensing Supervisor from September 20, 2004 to the board, that the fiscal staff confirmed the fees were reflected in the current budget report.

The board discussed the process for writing and submitting the newsletter to the NABP. Ms. Bueler stated that Ms. Soden had agreed to write the Board of Pharmacy newsletter and write the board report to AkPha after each Board of

Pharmacy meeting including a reminder to check the NABP website for the newsletter.

Agenda Item 16 NABP Update

Ms. Bueler gave the report from the NABP District 7 meeting held in Las Vegas, Nevada, last October. She read information from Marv Sheppard, Ph. D., Director, Center for Pharmacoeconomic Studies, College of Pharmacy, University of Texas on the issue of drug importation from Canada and Mexico. The information included the easy access to illegal drugs from foreign countries via the internet. Many of the internet drug sites are fraudulent, some are linked to organized crime and drug cartels. The importation of drugs disrupts the drug distribution chain. The Federal Drug Administration has determined that many imported drugs contain no active ingredient, have too much or too little, or have already expired.

They may be animal drugs not approved for human use or incorrectly packaged. Canada has said they will not assure the quality of drugs coming into the United States. The World Health Organization estimates that counterfeit drugs total roughly 8 per cent of the worlds market. The leading producers of counterfeit drugs are India, China, Brazil, Argentina, Pakistan, Columbia and Mexico. They estimate in China, up to 200,000 people a year are harmed or killed from using counterfeit drugs. The report noted that in the last month, counterfeit Ambien, Lipitor and Viagra have come across the border from Canada. There have been links to terrorist groups, linking them to counterfeit drug distribution to launder their money. Research shows that Canada imports drugs from 110 counties. Under Canadian drug laws, drugs which are intended for export, may not be regulated by Health Canada. Drugs sold in Canada have different standards then those exported from Canada to foreign countries.

Ms. Bueler further noted in the past, drugs were shipped from the manufacturer to the wholesaler and then to the end user, now they are shipped from a manufacturer to a wholesaler, then to a secondary wholesaler to the end user. Sometimes being shipped five to six times. Using a secondary wholesaler is where the diversion, money laundering and counterfeiting occurs. One way to track the drugs to keep this from occurring is by using Radio Frequency Identification (RFID), which is a computer chip on each case of drugs. The wholesaler and retailer would then not be allowed to buy the drugs without the computer chip. Nevada has passed legislation to use this system. The NABP would like to use Nevada as a model for licensing of state wholesale distributors. The goal would be to have states adopt this type of legislation to tighten up on the drug supply in the United States. Ms. Bueler stated that the board should look into pursuing adopting regulations similar to the NABP model which would be coming out soon.

Break Off record at 2:08 p.m.
On record at 2:24 p.m.

Mike Pauley returned at 2:28 p.m.

Agenda Item 17

Correspondence

Jason Reiser-E-mail-September 16, 2004, Board of Pharmacy after hours contact person. The licensing examiner would respond, no need at this point for an emergency contact number for the Board of Pharmacy.

Juneau Drug Co., Inc.-September 27, 2004-Report of Theft or Loss. For information only, no action required.

Providence Alaska Medical Center-November 15, 2004-Report of Theft or Loss. For information only, no action required.

Integrated HMO Pharmacy-December 6, 2004-Report of Theft or Loss. For information only, no action required.

National Association of State Controlled Substances Authorities (NASCSA)-July-October, 2004 regulatory updates. For information only, no action required.

SureScripts-November 2, 2004-Pharmacy regulatory questions from SureScripts regarding electronic prescribing. The licensing examiner would respond. Current regulations do not address electronic prescribing, however the DEA requires a prescriber's signature for controlled substances.

DEA-September 13, 2004-Notice of change of DEA registration certificates, and renewal of registration on line. For information only, no action required.

National Association of State Controlled Substances Authorities (NASCSA)-January 4, 2005 E-mail-Iowa Considers drug database to help identify doctor shopping. For information only, no action required.

NABP-August 24, 2004-Electronic transmission of prescriptions and NABP testimony. For information only, no action required.

NABP-September 10, 2004-Updated NAPLEX blueprint and new passing standard. For information only, no action required.

NABP-September 24, 2004-FSMB Educational Workshop Series-Promoting Balance and Consistency in the Regulatory Oversight of Pain Care. For information only, no action required.

NABP-September 24, 2004-Dr. Ari Heller and his Pharmaceutical Clinical Technology Project. For information only, no action required.

NABP-September 24, 2004-Transcript of Dateline NBC Internet Drug Buy segment. For information only, no action required.

NABP-September 17, 2004-Dr. Ari Heller and his Pharmaceutical Clinical Technology Project. For information only, no action required.

NABP-October 8, 2004-NABP Comments on the Medicare Modernization Act proposed regulations. For information only, no action required.

NABP-October 15, 2004-Drug/Alcohol Impairment Programs survey results. For information only, no action required.

NABP-November 5, 2004-Distribution of NAPLEX/MPJE Registration forms. For information only, no action required.

NABP-October 22, 2004-Dietary supplements. For information only, no action required.

NABP-December 3, 2004-Data collection for VAWD clearinghouse database. For information only, no action required.

Alaska State Board of Pharmacy
Minutes of Meeting
January 27-28, 2005
Page 17 of 19

NABP-December 10, 2004-Nominations for Honorary president, Lester E. Hosto Distinguished Service Award, and Fred T. Mahaffey Award for NABP's 101st Annual Meeting. For information only, no action required.

NABP-December 17, 2004-NABP testimony on electronic signatures. For information only, no action required.

NABP-December 22, 2004-Wholesale Distributor Model Rules and regulatory update. The licensing examiner will respond. The board is waiting for the model rules and is interested in incorporating them and will ask for help from the NABP if needed.

NABP-December 22, 2004-Release of HHS task force on drug importation report. For information only, no action required.

NABP-December 27, 2004-ACPE's recognition of CCAPP Accreditation decisions not extended beyond June 30, 2004. For information only, no action required.

NABP-January 10, 2005-2005 NABP annual membership dues. Board vote to approve membership dues.

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

RESOLVED to approve the payment of \$250 to the NABP, for the 2005 annual membership dues.

NABP-January 18, 2005-Letter to DEA, decision to prohibit the issuance of tightly controlled and monitored multiple prescription for schedule II's. For information only, no action required.

AkPha-December 31, 2004-membership dues for 2005. For information only, no action required.

Providence Alaska Medical Center-Report of Theft or Loss. For information only, no action required.

NABP-January 10, 2005-NAPLEX/MPJE fee increases. For information only, no action required.

NABP-January 10, 2005-FPGEC fraud alert. For information only, no action required.

Vivian Foote-January 11, 2005-Clarification of medication rooms. Ms. Bueler and Mr. Givens would contact Ms. Foote.

Agenda Item 18 New Business

Ms. Bueler noted the legislative audit that was conducted last fall. The findings of the legislative audit were to recommend to the legislature that the Board of Pharmacy be retained until the year 2010. It also recommended the board, in conjunction with the Division of Occupational Licensing, increase license fees to offset the operating deficit, and to rescind the requirement of the photograph of the applicant in the application, which may lead to discrimination. One solution to the photo on the application would be to have the photo covered during license application review. The board discussed raising the fees for technicians and pharmacists and instituting a processing fee for Collaborative Practice Protocol applications. The board would like the division to look into the increase of fees as soon as possible. Ms. Zinn noted she would notify the appropriate staff of the board's request.

The board discussed licensing of a home infusion pharmacy. Ms. Zinn noted that she had received two inquiries regarding the licensing of home infusion therapy pharmacies and would like the board to go on the record for clarification purposes. One of the questions was if there is a separate license for home infusion therapy from a retail license. The other question was whether hospital based home infusion therapy would need a separate license from the existing

hospital's retail pharmacy license. The board responded by saying that there are no separate regulations for Home Infusion Pharmacies. The Home Infusion

Therapy Pharmacy would be licensed under the same regulations as a retail pharmacy and would receive the same type of license. The board noted in the hospital situation, the hospital's pharmacy license would be sufficient if the home infusion therapy is done through the hospital pharmacy. Ms. Zinn will respond to the inquiries.

The board next addressed an e-mail from Sharon Hamrick, R. Ph., from the Division of Public Health. The question was in regards to the State of Alaska, Division of Public Health immunization campaign. Could a physician have a blanket collaborative practice protocol with all pharmacists in the state of Alaska for purposes of administering immunizations? The board noted that to meet the qualifications of the pharmacy board's regulations regarding collaborative practice protocols, the physician would need to have a separate protocol with each pharmacy and each pharmacist administering the vaccines would have to meet the training requirements. Mr. Givens noted that many pharmacies already have collaborative practice agreements to administer vaccines. Ms. Bueler stated she appreciates the goal of the Division of Public Health, however current regulations do not allow for such an agreement. The board requested the licensing examiner to respond to Ms. Hamrick and include a copy of the Medical Board's proposed "Cooperative Practice Agreement with Pharmacists" which would preclude any immunization program.

**Alaska State Board of Pharmacy
Minutes of Meeting
January 27-28, 2005
Page 19 of 19**

The board set the meeting dates for 2005 as follows:

April 28-29, 2005-Anchorage

September 29-30, 2005-Anchorage

The board chair signed the approved minutes from the September 16-17, 2004 meeting.

The board chair and secretary signed the wall certificates.

On a motion duly made by Ms. Knasiak, seconded by Ms. Soden, and approved unanimously, it was

RESOLVED to adjourn the meeting of the Alaska State Board of Pharmacy.

The meeting adjourned at 3:45 p.m.

Respectfully Submitted:

Sher Zinn, Licensing Examiner

Approved:

Cindy Bueler, R.Ph., Chair
Alaska Board of Pharmacy

Date