

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
ALASKA STATE BOARD OF PHARMACY

MINUTES OF MEETING
SEPTEMBER 16-17, 2004

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 16-17, 2004 at the Atwood Building, 550 West 7th Ave., Suite 602, Anchorage, AK.

Call to Order/Roll Call

The meeting was called to order by Margaret Soden, Chair, September 16, 2004 at 1:02 PM. Those present, constituting a quorum of the board, were:

Margaret Soden, R. Ph.
Bill Altland, R. Ph.
Cindy Bueler, R. Ph.
Gary Givens, R. Ph.
Gerry Knasiak
Laura Lee Nelson, R. Ph.

Michael Pauley was not present at the meeting.

Present from the Division of Occupational Licensing were:

Sher Zinn, Licensing Examiner
Judy Weske, Licensing Supervisor
Rick Younkins, Investigator (Agenda Item 6)

Present telephonically from the Department of Law was:

Gayle Horetski, Assistant Attorney General (Agenda Item 5a)

Present telephonically from the Division of Occupational Licensing was:

Steve Winker, division paralegal (Agenda Item 12)

Visitors present were:

Mark Bohrer-Agenda Item 18
Dick Holm
Raquel Burnett
Glenn Newman

Ron Miller
Nancy Davis, Alaska Pharmacist's Association (Agenda Item 7)
Duane Triplett

Agenda Item 1 Review of Agenda

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

RESOLVED to approve the agenda as presented.

Agenda Item 2 Review of Minutes

The board reviewed the minutes from the meeting of April 22-23, 2004.

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

RESOLVED to approve the minutes of the April 22-23, 2004 meeting.

Ms. Bueler asked if two items had been done as noted on page 10, agenda item 12, regarding pharmacists being notified of problem prescribers. Page 14, agenda item 17, if the Board of Pharmacy newsletter could be sent to pharmacists using the AKPhA e-mail list. It was noted that there had not been a Board of Pharmacy newsletter since the April meeting. The examiner will follow up on both items.

The board reviewed the minutes from the July 26, 2004 teleconference. The following corrections were noted:

- Page 2- change "Gibbons" and "Gibbon" to "Givens" in three places
- Page 2- change "did not hire Ms. Coolidge for a position" to "did hire her as a pharmacy technician, but did not retain her because she did not have a license".
- Page 3 item 2- change "but that their work hours did not coincide" to "and that their work hours did coincide".

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

RESOLVED to approve the minutes of the July 26, 2004 teleconference, with the corrections noted.

Agenda Item 3 Ethics Disclosure

There were no ethics violations to disclose.

Agenda item 4 Review of 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 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.
8. 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.).
9. The board will continue to evaluate regulations regarding the electronic transmission of prescriptions.
10. The board will continue to evaluate regulations regarding collaborative practice and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.
11. The board will assess and evaluate the growing public concern regarding abuse of prescription drugs.

Agenda Item 5b Review of Proposed Regulation Changes

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

RESOLVED to send the regulation project to the regulation specialist to public notice the change from “American Council on Pharmaceutical Education” to “Accreditation Council for Pharmacy Education” in 12 AAC 52.070(1) and in the Editor’s note, 12 AAC 52.080(c), and 12 AAC 52340(1).

Agenda Item 16 Ms. Soden updated the board from the NABP meeting regarding the MPJE exam. In January, Ms. Soden and Mr. Bohrer reviewed and discarded approximately 200 questions from the exam, which were no longer applicable or confusing. They wrote approximately 35 new questions, and other states wrote another 30 to 40 new questions each. There were a total of 1363 new questions reviewed by Ms. Soden this summer, and 568 were accepted for the exam. Ms. Soden noted that Alaska applicants score 80 percent on the MPJE exam, which, according to the examiners, shows that the exam is “a good exam”.

Agenda Item 5a Legal

Ms. Horetski joined the meeting telephonically at 1:28.

Ms. Horetski notified the board that the law suit (Case No. 3AN-03-10587CI) filed against the Board of Pharmacy by the Alaska State Medical Association, regarding the challenge of the legality of the pharmacy board’s regulation on collaborative practice, has been dismissed. The stipulation states that each party is responsible for its own costs and attorney’s fees. Ms. Horetski noted that ASMA will be working with the State Medical Board on regulations regarding this matter. The State Medical Board did discuss this issue at its meeting in July and decided to table the matter until the October, 21-22, 2004 Medical Board meeting. Ms. Horetski asked Ms. Gallant to notify the Board of Pharmacy of the discussion so they may have the opportunity to comment.

Ms. Soden noted that Ms. Horetski has been assigned to work on the Attorney Generals opinion regarding the licensing of federal facilities administered by Native Corporations. Ms. Horetski stated the opinion would probably be available to the board at their next meeting.

Ms. Soden thanked Ms. Horetski for her work on the lawsuit.

Agenda Item 13 Discuss Prescription Drug Abuse Issues

Bill Altland and Margaret Soden met with Nancy Lewis and Linda Barefoot regarding this issue. Ms. Lewis and Ms. Barefoot are with the Purdue Pharma, which has done work with other states regarding keeping track of controlled substance prescriptions. Purdue Pharma provided workbooks to review including what other states have done to address the issue. Linda Barefoot who works with state legislators for Purdue Pharma, has worked up a draft. Mr. Altland has sent AKPhA the draft for their input. The legislative committee from AKPhA asked for comment from the legal department of the National Association of Chain Drugstores.

Mr. Altland noted that their attorney felt it was a well written draft.

Ms. Soden noted Representative Chenault from Kenai had his bill in the legislature last year regarding an instant information system. The bill did not pass, but he is still interested in monitoring prescription drugs.

The board further discussed this matter, which included how the system works and who would be able to obtain the information. Mr. Altland noted the difficulty that mid level practitioners would have in being able to input the information required for this system. The turnaround for input of information until it would be available would take approximately one month. Ms. Soden noted that if the legislature was interested in pursuing this, the board would like to have something that would work, there would not be a penalty if you did not use the system. The legislature would have to determine where the money would come from to institute the program.

(Tape 1, Side B)

Ms. Soden stated if this would be under the Board of Pharmacy, it would be required to come up with the staff, funding to implement the program, and someone to write the grants for the Department of Justice. It was noted it would cost several hundred thousand dollars to start the program and another several hundred thousand dollars yearly to maintain it. Mr. Altland noted that the pharmacists association feels strongly that the pharmacists and pharmacies should not be assessed additional fees to help pay for the cost of the program. He stated he would be going to the Nurse Practitioner conference to present the outline of the program and to field questions.

Agenda Item 14 **Legislative Update**

Ms. Soden noted that HB51 regarding generic labeling of prescriptions, was passed and now in statute. It was noted that some problems occurred with specific pharmacies at the beginning, caused by problems with computer systems.

Agenda Item 15 **Division Updates**

- Budget Report- The board reviewed the Budget Report provided by the Division of Occupational Licensing. Ms. Soden asked Ms. Weske if the lawsuit legal fees are reflected in the current budget report. Ms. Weske said it may not be at this point, and may take some time before it would fully be reflected in the report.
- Annual Report- The board reviewed the Annual Report.

Ms. Soden noted that the Board of Pharmacy was being reviewed for sunset by legislative audit. She has responded to the letter from them requesting input.

In reference to a matter from an item in correspondence, the board discussed in what instances a pharmacist would not fill a prescription.

Agenda Item 6 Investigative Report

Investigator Rick Younkins joined the meeting at 2:10 p.m.

On a motion duly made by Ms. Nelson, 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 Sherry Bowler, Case #2606-03-008.

Off the record at 2:12 p.m.

On the record at 2:35 p.m.

Board members and staff, Rick Younkins, Sher Zinn and Judy Weske were present during executive session.

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

RESOLVED to adopt the surrender of pharmacy technician license #1153, of Sherry L. Bowler, case #2606-03-008.

Break Off the record at 2:38

On the record at 2:58

Agenda Item 17 Correspondence

Department of Health & Human Services Offices, Office of Civil Rights-May 20, 2004 – OCR Letter to healthcare providers (HIPPA Privacy Rules). For information only, no action required.

Rick Urion, Director of Occupational Licensing – May 11, 200 – Letter from Pharmacy Board requesting update of “AG Opinion – Whether or Not Alaska Native Medical Centers are Considered Federally Operated Hospitals or Institutions and are Exempt from Regulation Under AS 08.80.475”. For information only, no action required.

Heather Libby, Secretary to Director of Occupational Licensing – May 24, 2004 – Clarifying Travel Receipts. For information only, no action required.

Vivian Foote, North Star Behavioral Health System Hospital, Anchorage – May 26, 2004 – Questions regarding licensing requirements. Ms. Soden stated Investigator Rick Younkins is looking into the matter. She also noted that the board would like clarification of the “units”, are they in the same building or is each individual unit in a separate building.

The National Association of State Controlled Substances Authorities (NASCSA) - May & June 2004 State Regulatory Developments. For information only, no action required.

Alaska Pharmacists Association – July 14, 2004 – E-mail RE: Patient Counseling from Paul Iverson, Minnesota Pharmacists Assoc. For information only, no action required.

Debra Laflen, RN, Providence Behavioral Medicine Group North – July 21, 2004 – E-mail RE: Refusal to fill prescriptions in remote area. The board opined that the Board of Pharmacy may not require a pharmacy to fill a prescription in a remote area. The prescription may be filled through the mail, even though it may be inconvenient. Ms. Soden stated a response to this correspondence through a letter should include a statement, “according to our rules, they are not required to fill a prescription, however they may do so in an emergency”.

Agenda Item 7

Report by Alaska Pharmacists Association

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

- Ms. Davis read her report regarding Continuing Education. Several presentations had already occurred. Providence Alaska Medical Center will co-sponsor several presentations. Alaska Native Medical Center would also be co-sponsoring a home study module pending ACPE accreditation.
- The AKPhA Convention will be held February 25-27, 2004 at the Captain Cook Hotel. The focus of the convention will be on Disease State Management (DSM) with training in diabetes and Asthma DSM.
- Tim Cutler has moved out of the state and there is now an open AKPhA board position.
- AKPhA Quarterly Newsletter deadline is October 15th.
- Legislative Update-SB 306 establishing a Task Force to address issues regarding Naturopaths and limited prescriptive authority has not met yet. The deadline is December 1 for proposing new legislation.
- Center for Medicare and Medicaid has asked for input from pharmacists nation wide regarding the Medicare Act. The two areas they want input for are medication therapy management, and access.
- Several pharmacists have called asking for duplicate copies of CE certificates. The certificates are printed twice a year, May 15th and November 15th. The duplicate copies will have a different print date from the actual date the course was completed.

(Tape 2, Side A)

Ms. Bueler asked Ms. Davis if the Board of Pharmacy newsletter could be e-mailed to all pharmacists through AKPhA. Ms. Davis said the newsletter could be e-mailed to all pharmacies through AKPhA. Ms. Bueler requested that the pharmacies post the newsletter for pharmacists and technicians.

Mr. Altland expressed his appreciation to Ms. Davis and Barry Christensen for the legislative updates.

Ms. Davis asked the board if the dismissal of the lawsuit concerning the collaborative practice regulation could be put in the board report for the AKPhA newsletter.

Ms. Soden thanked Ms. Davis for her report.

Agenda Item 8 **Public Comment**

Public comment started at 3:35 p.m.

Mark Bohrer spoke regarding transferring of prescriptions between pharmacies, 12 AAC 52.500. Ms. Soden noted that faxing of prescriptions between pharmacies may not include the pharmacists themselves, but the technicians. Mr. Bohrer said the subject of debate is how the transfer is occurring. Ms. Soden stated that sometimes the technicians are doing the transferring and the pharmacist is not included in the transfer. She stated that the regulation needs to be fixed and is willing to entertain the thought. Mr. Bohrer asked if it needs to be spelled out exactly how the transfer is to be done. Ms. Soden stated she felt the two pharmacists should be communicating without the technicians involved. She then said that perhaps the wording in the regulation should be changed to clarify "communicated". Ms. Nelson said, "if it says it must be communicated between two licensed pharmacists and that's what is happening, and if you say how it is to be communicated, you would have to change this every 10 years". Ms. Soden said we should work on this after the telepharmacy project is done.

Mr. Bohrer then discussed licensing of interns. He noted most states require the intern to be accepted into the third year, we require completion of the third year. He would like the board to consider what other states require for licensing of interns. Ms. Nelson noted that pharmacy school does not start until the third year.

Dick Holm commented on controlled substances and the potential tracking of controlled substances. He understands there is a significant problem in the state, his concern is patient privacy issues, and the cost and time involved for the individual stores. He would like the board to consider those issues before it is implemented. He noted the proposed telepharmacy regulations are important and needed in rural communities and thanked the board for moving ahead on the issue.

On a motion duly made by Ms. Knasiak, seconded by Ms. Nelson, it was

RESOLVED to recess and return at 9:00 a.m., September 17, 2004.

Recess

The board recessed at 3:54 p.m.

Call to Order/Roll Call

The meeting was called to order by Margaret Soden, Chair, September 17, 2004, at 9:05 a.m. Those present, constituting a quorum of the board, were:

Margaret Soden, R. Ph.
Bill Altland, R. Ph.
Cindy Bueler, R. Ph.
Gary Givens, R. Ph.
Gerry Knasiak
Laura Lee Nelson, R. Ph.

Michael Pauley was not present at the meeting.

Present from the Division of Occupational Licensing were:

Sher Zinn, Licensing Examiner
Judy Weske, Licensing Supervisor

Visitors present were:

Mark Bohrer, Former Alaska Board of Pharmacy Member
Nancy Lewis, Purdue Pharma

Agenda Item 9

Review of Agenda

Establishing a process for renewal of collaborative practice process was added to Agenda Item 12, Licensing.

The Affidavit of Moral Character form in the Pharmacist application was added to Agenda Item 12, Licensing.

Discussion regarding mandatory counseling was added to Agenda Item 18, New Business.

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

RESOLVED to approve the agenda as amended.

Agenda Item 10 Review of License Applications

Rick Younkings discussed a case with the board regarding a pharmacy not filling a prescription.

(Tape 2, Side B)

Ms. Nelson asked if Juneau Drug were to open a store part time separate from Juneau Drug, open half the year, would there have to be a pharmacist on duty full time. The board discussed the requirements that would have to be met to open a part time pharmacy. There are no regulations regarding restrictions on how many hours a pharmacist needs to be on site at the store. The word 'Drug' may not be used in the name unless they have a licensed pharmacist, and the pharmacy has to be locked and secured. Ms. Soden suggested it be called a "Sundry Store" then if a customer walks in, they could be referred to the main store. The records could not be transferred when the store was closed for part of the year because it's a different store, unless the store is closed. Mr. Altland noted it would be like the White Pharmacy in Sitka. The computers would have to be networked like chain stores and the system may have to be on all of the time. Chain stores such as Walmart can call into any Walmart pharmacy and get a copy of the prescription. It would then be marked as transferred in the records, and would then be deactivated from the original store.

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

RESOLVED to approve the following pharmacy technician applicants for licensure:

Barbara Rose Hall
Aaron Roger Kahle

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

RESOLVED to approve the Retail Pharmacy application for licensure for:

North Star Health Clinic Pharmacy

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

RESOLVED to deny licensure for an Out of State license based on AS 08.80.158(b)(2) (3), to The Promptcare Companies.

(Tape 3, Side A)

The board discussed the process for collaborative practice protocol renewals. The board decided the licensing examiner would send a letter to all who have had a protocol approved by the board, addressed to the pharmacist in charge notifying them of the date the protocol is to be renewed and include a blank collaborative practice protocol application to complete if there are changes to the protocol other than personnel. The renewals would be approved by mail ballot.

The board decided regulations would need to be drafted concerning procedures to renew collaborative practice protocols. The renewals would coincide with pharmacy renewals.

Agenda Item 11 Review Protocol Applications

- White's Pharmacy, license #167 (Trish White, RPh-Graham Chelius, MD) Emergency Contraception Protocol-Approved
- Fred Meyer Pharmacy, license #406 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #385 (all pharmacist employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #392 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #387 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #384 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #393 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #386 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #391 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #390 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccines-Approved
- Fred Meyer Pharmacy, license #389 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccine-Approved
- Fred Meyer Pharmacy, license #388 (all pharmacists employed by Fred Meyer-Jean Snyder, MD) Administration of Vaccine-Approved

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

RESOLVED to approve the collaborative practice protocols as read into the record.

Agenda Item 12 Discuss Licensing

The board discussed a law exam for technicians. The board decided a separate sheet that would list the appropriate regulations, should be included with the regulation book and the exam. The exam would be an open book exam as is the intern exam.

Ms. Bueler offered to go through the book and list the appropriate regulations to be used for the exam.

The board discussed the professional fitness questions on the renewal. Judy Weske noted the professional fitness questions are standard questions throughout the division. Ms. Weske stated that the renewals are public information from the file, but that medical records in files are considered confidential. If there is a question regarding confidentiality, the document would be reviewed by the Department of Law before it would be considered as public information.

Ms. Soden noted the e-mail from John Cotter regarding continuing education to be listed on the renewal. The board decided the e-mail would not be answered and noted that the licensee has two years to complete CE's. The last month before renewal should not be a problem in listing CE's on the renewal form.

Ms. Soden discussed the Affidavits of Moral Character form in the pharmacy application. She noted some applicants were using family members to complete the form and further stated she would like to add "a non-family member" to the form.

(Tape 3, Side B)

Mandatory Audit

Steve Winker, department paralegal, joined the meeting telephonically at 10:45 a.m.

The board reviewed the Stipulation Agreement, Proposed Decision and Order for Brian Janzen.

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

RESOLVED to adopt the Stipulation Agreement, Proposed Decision and Order for Brian Janzen, pharmacy technician license #424, case #2606.04.001.

Break Off record at 11:00 a.m.

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On record at 11:13 a.m.

Ms. Nelson asked if anything had been done regarding fining licensees for renewing late as discussed after the last renewal. The board discussed the problem with late renewals and practicing without a valid renewed license. The board requested the licensing examiner to follow up on it.

The board reviewed the continuing education for mandatory audit, for the following licensees:

Michael Pagano-Pharmacist
Bruce Jessen-Pharmacist
Christian Duruji-Pharmacist
Stephen Fenick-Pharmacist
Jill Williams-Pharmacy Technician
Robin Kirk-Pharmacy Technician

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

RESOLVED to approve the continuing education hours for the mandatory audit as read into the record.

Agenda Item 17

Correspondence

The board reviewed the remainder of the correspondence.

International Academy of Compounding Pharmacists-July 16, 2004 letter Regarding FDA Center for Veterinary Medicine's notice (date April 2, 2004) to state boards of pharmacy on compounding from bulk substances for animal patients. For information only, no action required.

NABP-May 3, 2004-License Transfer Applicant Colin E. Bayliss. Information only, no action required.

NABP-May 21, 2004-Resolutions Follow-up from NABP's 99th Annual Meeting May 3-7, 2003-Philadelphia, PA-copies available on request. Information only, no action required.

NABP-May 21, 2004-Resolutions Passed and Defeated at NABP's 100th Annual Meeting April 24-27, 2004-Chicago, IL. Information only, no action required.

NAPB-2003-2004 Committee on Law Enforcement/Legislation-1. Add Model Act Language for the Roles & Responsibilities of the Pharmacist in Charge in Drug Shortages/Discontinuances; 2. "Model Rules for Licensure of Wholesale Distributors"

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3. Electronic Transmission of Prescriptions. Information only, no action required at this time.

NABP-May 21, 2004-Guaranteed prescription-Company Offering 'Home Pharmacy' Business. Information only, no action required.

NABP-May 21, 2004-Actions against Organizations Facilitating Importation of Canadian Medications. Information only, no action required.

(Tape 4, Side A)

NABP-July 13, 2004-NABP Constitution and Bylaws and the Procedures for the Nomination for Member Position on the Executive committee at the district Meeting. Copies available upon request. Information only, no action required.

NABP-July 2004 Newsletter-"NABP Performs Internet Drug Buy". Information only, no action required.

NABP-August 4, 2004-Internet pharmacy Certification Programs-Comparison Chart. Information only, no action required.

NABP-August 4, 2004-Electronic Transmission Survey Results from State Boards of Pharmacy. Information only, no action required.

NABP-August 13, 2004-Importing Controlled Substances from Canada and Other Foreign Countries-Federal Register Notice. Information only, no action required.

NABP-District VII, August 13, 2004-Membership Dues: 2004-2005.

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

RESOLVED to approve the payment of \$100 to the NABP, District VII, for membership dues.

NABP-June 2, 2004-Joint District Meeting 7 & 8, October 27-30, 2004, Las Vegas, NV-Meeting Registration. Decide which board member would attend.

Department of Health and Human Services-August 24, 2004-Compounded Products Containing Domperidone or Polidocanol. Information only, no action required.

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NABP-August 27, 2004-Information request from North Carolina Board of Pharmacy. Use of coupons in pharmacies. The licensing examiner will respond to the survey.

NABP-August 27, 2004-Non resident Pharmacies Survey Results. Information only, no action required.

NABP-September 7, 2004-NABP's Fall Educational Conference, November 11-14, 2004, St. Petersburg, Fl. Information only, no action required.

NABP-August 31, 2004-NABPLAW Online: Updates Needed to Maintain the Database. Licensing Examiner will respond.

NABP-August 31, 2004-Consumer Reports of Online Pharmacies: Allegations of Fraud and Noncompliant Medications. Information only, no action required.

The board discussed the purchase of drugs from Canada.

Break

Recess for lunch. Off the record at 12:00 p.m.

On the record at 1:05 p.m.

The board reviewed a Report of Theft or Loss. Ms. Nelson noted Juneau Drug also had a theft and would be sending in a Report of Theft or Loss to the board. It was noted this is the third one in Juneau in recent history. Ms. Soden suggested it be mentioned in the next newsletter.

Agenda Item 18

New Business

Mark Bohrer joined the meeting to discuss the telepharmacy regulation project. A revised Telepharmacy Project paper was distributed to the board members for review. The project would include amendments/additions to current regulations, 12 AAC 52.010 (b), 12 AAC 52.020(c), 12 AAC 52.200(a), 12 AAC 52.420(c)(d)(f), 12 AAC 52.480(1), 12 AAC 52.995(13), 12 AAC 52.425. Mr. Bohrer noted what the changes were from the distributed information provided in the board book. The board discussed the project and made recommendations for revisions. Mr. Givens noted the problems that would occur if remote villages were required to have technicians in their pharmacies. Most remote villages have health aides who may not have a high school diploma, but have training pertinent to being a health aid. He added if the regulations are adopted and the AG's ruling requires the native health corporations to be licensed, it would cause a significant problem for those villages. He stated he understands the need for the technician, however his concern is it may jeopardize health care in rural Alaska. Mr. Altland noted that those facilities should be exempt as they are now, under regulations delegating the dispensing by the responsible physician. Ms. Soden said the regulations would not be perfect for everyone, but it should go ahead for public comment.

(Tape 4, Side B)

The board further discussed the roles of practitioners including physicians, nurse practitioners, physician assistants and health aides and decided they would not be subject of the board of pharmacy regulations. Mr. Altland noted that communities of 40 people or less would not be expected to have pharmacies and therefore would not need a technician. After further discussion, it was decided to move forward with the regulation project and review any public comment before changes to the proposed regulations are made.

The board discussed how to notify all pharmacists of the regulation proposal for review for public comment. The board decided to notify all pharmacists of the telepharmacy regulation through a mail out.

(Tape 5, Side A)

The board reviewed the telepharmacy regulation proposal and made the following changes-

Appendix D, #8 to read, "The remote pharmacy must be physically inspected by a pharmacist annually".

Appendix D, #13, B to read, "A pharmacist shall conduct a physical inventory at each remote site at least annually".

New Definitions, "Remote pharmacy" should read, "Remote pharmacy" means a facility that provides pharmacy services, including the storage and distribution of prescription drugs, drug regimen review and patient counseling through a telepharmacy system.

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

RESOLVED to submit the proposed telepharmacy regulation project to the regulation specialist for public comment.

The board thanked Mr. Bohrer for all of the work he put into the telepharmacy regulation project.

Agenda Item 18

New Business

Ms. Bueler brought up the new regulation requiring mandatory counseling. She noted at some point the board would have to address the issue of enforcement, and establish penalties for non-compliance.

Ms. Soden noted the new statute 08.80.294, regarding generic labeling of prescription medication, will be effective September 27th.

Election of officers.

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

RESOLVED to nominate and elect Cindy Bueler as the Board Chair.

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

RESOLVED to nominate and elect Bill Altland as the Vice Chair.

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

RESOLVED to nominate and elect Margaret Soden as the board Secretary.

It was decided Ms. Bueler would write the newsletter including the dismissal of the lawsuit, amount of technicians being disciplined, CE audit in progress, telepharmacy regulations sent to regulation specialist.

Ms. Bueler noted that she would be able to attend the NABP District VII meeting in Las Vegas, NV, in October.

Break

Off the record at 3:01 p.m.

On the record at 3:11 p.m.

The board discussed a penalty for late renewal. Judy Weske notified the board unless it is in regulation, you may not charge a late renewal penalty fee. Ms. Weske noted the statute, AS 08.01.100(b), giving the board the authority to impose a late penalty fee. Ms. Nelson noted that the board had previously made recommendations to the investigator regarding fines for lapsed licenses. Ms. Weske stated that would happen if the investigator discovered someone working without a license, the investigator would then draw up an MOA with a fine. The cases are different than people who renew late. She stated they may have been working, but we would not know that. The investigators have said they do not take a proactive approach, however if it is discovered, then the investigator could proceed. She stated that if the board wanted to impose a late renewal penalty, it would need to be put into regulation.

(Tape 5, Side B)

Ms. Bueler asked if the investigator could visit pharmacies after the end of the renewal

period to see if everyone at the facility was licensed. Ms. Weske said that the investigator could do this, however licensing will not notify the investigator of those who have not renewed. Mr. Givens asked if the board could request that the investigator do this. Ms. Weske stated that the investigator has the authority to do that, however it would depend on the resources available in the investigative unit. Ms. Knasiak noted that at the last renewal, Barbara Roche stated the problem was with the technicians. Mr. Givens asked if the board thought it was a problem with patient safety.

The board decided that nothing would be done regarding late renewal fees at this point.

Agenda Item 19 **Office Business**

The board set the meeting dates for 2005 are as follows:

January 27-28, 2005-Anchorage

April 28-29, 2005-Anchorage

The remainder of the meetings would be determined at a later date.

It was noted that the renewal process for collaborative practice protocols would be discussed at the January meeting. It was suggested that two board members come up with a draft proposal. Ms. Weske informed the board that if two or more board members discussed something concerning the board, it would have to be public noticed in keeping with the open meetings act.

The Board Chair signed the approved minutes from the April 22-23, 2004 meeting. Ms. Bueler signed the approved minutes from the teleconference of July 26, 2004.

The Board Chair and Secretary signed wall certificates.

The Board members signed travel authorizations and provided travel receipts.

Adjournment

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

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

The meeting was adjourned at 3:55 p.m.

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Respectfully submitted:

Sher Zinn, Licensing Examiner

Approved:

Margaret Soden, R.Ph., Chair
Alaska State Board of Pharmacy

Date: _____

