



November 14, 2024

**AS 08.80.261. DISCIPLINARY SANCTIONS.**

(a) The board may deny a license to an applicant or, after a hearing, impose a disciplinary sanction authorized under AS 08.01.075 on a person licensed under this chapter when the board finds that the applicant or licensee, as applicable,

(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;

(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;

**12 AAC 52.940. USE OF ALCOHOL OR CONTROLLED SUBSTANCES.**

(c) The board may offer a licensee subject to this section an opportunity to participate in an alternative to probation program. A licensee that participates in an alternative to probation program shall meet the probation terms required by the board under the alternative to probation program. The board will keep a licensee's participation in an alternative to probation program confidential, except as required by law.

**Standard Operating Procedure (SOP) – Substance Abuse/DUI Disclosure**

Applicants or licensees that have a history of substance abuse, or have been charged with a Driving Under the Influence (DUI) and choose to voluntarily disclose the matter to the Board of Pharmacy (board), or have received a DUI conviction within the past five (5) years may be referred to a licensed health care professional specializing in substance use disorder and chemical dependency for evaluation of addiction or severe dependency on alcohol or a drug that may impair the applicant's or licensee's ability to practice safely. Based on the recommendation from the evaluation, the board will consider a confidential alternative to probation program if deemed appropriate to address any dependency on alcohol or a drug. Applicants and licensees may also be required to appear for a full board interview, at the discretion of the Board.

**Any pharmacist, pharmacy technician, or pharmacy intern who is eligible and wishes to participate in the ATP program must:**

1. Voluntarily disclose (self-report) and request to participate.
2. Provide disclosure authorization as requested.
3. Undergo a complete substance use disorder evaluation. This evaluation must be performed by a licensed health care professional(s) with expertise in substance use disorder and chemical dependency.
4. Be diagnosed with a substance use disorder, utilizing the most current DSM-IV-TR or DSM-V criteria, by a licensed health care professional(s) experienced in the diagnosis and treatment of substance use disorders and the report must be disclosed to the board.
5. Agree in writing to the terms set forth in the ATP agreement.
6. Abstain from mind altering substances, including alcohol and cannabis, except for medications prescribed by an authorized provider.
7. Be responsible for all costs for treatment and monitoring, including board-required drug screens.
8. Comply with the instructions from their ATP agreement and compliance monitor regarding evaluation and treatment as well as follow all treatment recommendations for the duration of the agreement.

**A pharmacist, pharmacy technician, or pharmacy intern is not eligible to participate in ATP program if they:**

1. Do not hold an active license or temporary permit to practice in the State of Alaska.
2. While under the influence of drugs or alcohol, performed impaired pharmacy practice that led to harm or death of a patient.
3. Have a felony conviction, or pending felony conviction, or any conviction related to the sale or distribution of controlled substances or legend prescription drugs.
4. Have participated in the program twice before.
5. Have been terminated from any other jurisdiction or state's alternative to discipline program participation for noncompliance.
6. Do not voluntarily admit to a substance use disorder that renders the licensee unable to meet the standards of the pharmacy profession.
7. Refuse to participate in a rehabilitation program.

**Causes for termination from the ATP and addition of disciplinary action against licensee may include:**

1. Noncompliance with any aspects of the ATP agreement.
2. Additional license disciplinary actions.
3. Any violation of federal or state laws.

**An ATP agreement is successfully completed when:**

1. Compliance with all program requirements specified in the ATP agreement for designated duration of monitoring; and
2. Receipt of written notice of formal release.

All records of a licensee without disciplinary action who successfully completes their ATP shall be sealed and confidential, not subject to public disclosure, and not available for court subpoena or for discovery proceedings. The records of a licensee who fails to comply with the ATP agreement are not confidential once disciplinary action is taken.

Adopted by the Alaska Board of Pharmacy on November 14, 2024.