

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  
May 12-13, 2011**

*These FINAL minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.*

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 May 15<sup>th</sup> and 16<sup>th</sup>, 2011 at the Atwood Building, 550 West 7<sup>th</sup> Ave., Suite 602 Anchorage Alaska.

**Call to Order/Roll Call**

The meeting was called to order by Dick Holm, Chair at 9:02 a.m. Those present constituting a quorum of the board, were:

Lori DeVito, R.Ph.  
Richard Holm, R. Ph.  
C. J. Kim, R. Ph.  
Ted Mala, Public Member  
Dirk White, R. Ph.

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

Brian Howes, Investigator & PDMP Program Manager  
Gary Keiser, Investigator  
Mary Kay Vellucci, Licensing Examiner

Present from the Department of Law

Dan Branch, Assistant Attorney General – via telephone  
Peter Putzier, Assistant Attorney General

Visitors present:

Daina Huyen, Walgreens  
Chad Hope, DHSS  
Dave Campana, DHSS  
Nancy Davis, AkPhA

**Agenda Item 1**

**Review of Agenda**

Anne Gruening, Public Member, joined the meeting at 9:07 a.m.

The members reviewed the agenda. Under Item 20, Office Business, the phrase "Confirm May Meeting Dates" was changed to "Confirm September Meeting Dates".

**Upon a motion duly made by Mr. Kim, seconded by Mr. White, and approve unanimously, it was**

**Resolved to approve the agenda as amended.**

**Agenda Item 2**

**Review of Minutes**

The members reviewed the minutes from the February, 2011 full board meeting and the March 16, 2011 teleconference. Page two of the February minutes was changed to correctly identify the member who seconded a motion. No other changes were indicated.

**Upon a motion duly made by Ms. DeVito, seconded by Mr. Kim, and approve unanimously, it was**

**Resolved to approve the minutes from the February 2011 full board meeting as amended.**

No changes were requested for the March, 2011 teleconference minutes.

**Upon a motion duly made by Mr. White, seconded by Mr. Kim, and approve unanimously, it was**

**Resolved to approve the minutes from the March 16, 2011 teleconference.**

The minutes were then signed by the board chair and given to Ms. Vellucci.

**Agenda Item 3**

**Ethics Disclosure/Goals and Objectives**

Mr. Mala and Ms. DeVito informed the members they watched the required Ethics Video on the Department of Law website.

There were no ethics violations to report.

The board noted the goals and objectives and made no changes.

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 was 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 drug monitoring program.

**Agenda Item 4**

**Division Items**

*Expense Reports:* The members reviewed the expense reports from 2/1/11 and 4/26/11. It was noted the Board of Pharmacy acquired \$96k in fees from the Department of Law and Administrative

Hearings since September, 2010. Ms. Vellucci said, according to Cathy Mason, the Administrative Officer, this could only be recouped by increasing licensing fees. The surplus in the budget was somewhat misleading because the annual allocation by the legislature was what actually directs spending. In response to a question, Ms. Vellucci clarified the fines collected from the board were directed to the State General Funds and were therefore not available to the Board of Pharmacy to recover legal fees.

Mr. Holm stated, and others agreed, the Board of Pharmacy was put in a precarious position during the last renewal period. In order to uphold their obligation to protect the public safety, licenses had to be denied and legal expenses had to occur. Mr. Holm provided a history of the renewal processes for the benefit of the new board members. He added, and other members agreed, licensees should not incur the expense of the board's obligation to protect the public and it was incumbent on the Division to find a different funding stream for the board's legal fees. Further, the board should not have to hesitate to take the course of action necessary to meet their mission. Mr. Holm and Mr. White planned to write a letter to the Division Director expressing this position so the board's position would be known by those in a position to rectify the situation.

Ms. Vellucci said the renewal process was being re-evaluated by management at the Division. It was agreed the members would provide comments and suggestions at the September 2011 meeting pertaining to how "yes" answers would be addressed during the 2012-2014 renewal. Mr. White stated the renewal process should begin sooner. Ms. Vellucci replied the renewal process began immediately after the fee regulation was in place. While the statute was processed, the Division was simultaneously trying to create an online renewal system. Ultimately, online renewals did not occur because of difficulties in assuring the online renewal fees would be posted to the correct board.

*Annual Report:* The members reviewed the FY 2010 Annual Report and were informed the FY 2011 Annual Report was due by August 1, 2011. The objective was to familiarize the members with this document and solicit their feedback for FY 12. Legislative priorities for licensing out of state wholesalers and medical marijuana were discussed and the members agreed they would remain unchanged. Mr. Holm asked why the board routinely meets three times per year, but we were budgeted for four. Ms. Vellucci explained the fourth meeting was budgeted for the board to come to Juneau during the legislative session, as had occurred in the past. Mr. Holm requested this fourth meeting remain in the FY 12 budget for that purpose.

*Pharmacy Licensing Statistics:* The members reviewed the licensing statistics for July, 2005 – March, 2011. A description of licensing categories was provided for the benefit of the new members.

*Policy and Procedure 35: Email and Public Advertising:* In response to an inquiry from the February 2011 meeting, the members were provided with this Division policy. It prohibits email as the only method of communication for public advertising. With regard to corresponding with licensees, email could be used as a secondary method of communication, but postal-mailed letters are the standard. Mr. White stated this needed to be modernized. Hard media newspaper advertising and letters are a thing of the past. Mr. Holm stated the Post Office is in dire financial straits and is considering opening the service to private enterprise. They may discontinue Saturday delivery and ultimately become extinct. The cost to the Division for public advertising via postal mail (>3000 licensees and interested parties for the Board of Pharmacy mailings for the last two draft regulation projects) should substantiate the use of other less costly methods of communication and make this a priority given the current financial atmosphere. Ms. Vellucci said the Division created a task force to update policies and procedures and offered to route this information to Sara Chambers, who is leading this task force. The members agreed to have Ms. Chambers receive this information with the hope this policy revision will be highly prioritized and in place prior to renewals. Mr. Holm asked Ms. Vellucci to send a memo to the division stating the Board of Pharmacy strongly requests email would be used as an acceptable first-line method of communication for all Board of Pharmacy and licensee correspondence. The members requested a written reply from the Division for the September 2011 meeting outlining what would it take to implement email as a first line method of correspondence before next year's renewals.

**Agenda Item 5      Investigative Report**

The members reviewed the license surrender information for Case No. 2010-001160.

**Upon a motion duly made by Mr. White, seconded by Ms. Gruening, and approved unanimously, it was**

**Resolved to accept the license surrender for Pharmacy Technician license number 2802.**

This action pertained to licensee April Growden.

The members reviewed the license surrender information for Case No. 2011-000122.

**Upon a motion duly made by Ms. DeVito, seconded by Mr. White, and approved unanimously, it was**

**Resolved to accept the license surrender for Pharmacy Technician license number 2479.**

This action pertained to licensee Qian Zhang.

Both surrenders were signed by the chair and given to Mr. Keiser.

Break, off record at 10:20 a.m.

On record at 10:42 a.m.

The board referred to the Investigator's Board Report, submitted by Mr. Keiser on April 28<sup>th</sup> and routed in the mailed board packets. He stated two of the four open cases have since been closed. Mr. Keiser explained the case numbering system and other aspects of investigations for the benefit of the new members.

The group then discussed the 30 day violation reporting draft regulation. If implemented, the licensing examiner would scan the disciplinary disclosure to the investigator. The investigator would determine if a case was to be opened and proceed as indicated. Mr. Holm stated the purpose of the 30-day reporting was to react closer to real time vs. learning of such incidents only during biennial renewals. It was noted all licensees received this draft regulation with the others, but no public comments were received on this particular item. The members will discuss the standards of non-compliance for this regulation during the September meeting.

## **Agenda Item 6**

### **PDMP**

Brian Howes, PDMP Program Coordinator, joined the meeting and distributed a packet of materials regarding the PDMP. The packet included an overview of the planned membership of the Advisory Board, their duties and a draft Advisory Board Application, as well as PDMP Database Access Verification and Report Retrieval documents.

Mr. Howes envisioned meetings with the Advisory Board via teleconference twice per year. They will be tasked with providing reports to the board regarding the effectiveness of the PDMP, ensuring the confidentiality of those involved and other duties described in the distributed materials. Mr. Howes referenced the

recently passed HB 65, which may have implications regarding privacy of information as it related to the PDMP. For example, Social Security Numbers required for Travel Authorizations, could be acquired after appointment to the Advisory Board vs. upon application. Mr. Howes stated he would further research the bill to determine its impact on the PDMP.

The constitution of the Advisory Board was discussed. Mr. Holm stated the intention was to have practitioners from other professions on the Advisory Board, not board members specifically. This was derived from a public comment. Mr. Holm stated a practicing pharmacist, who was not a Board of Pharmacy member, should also be on the Advisory Board. The members agreed on this point. A pharmacy board member will also be on the Advisory Board. A number of professionals had already expressed interest in participating on the Advisory Board. Mr. Holm said other states had a Sunset Clause for their Advisory Boards and Alaska should do the same.

Data Retrieval Access Process was discussed. This will be an online process with safeguards to assure the security of the information. Mr. Howes stated this tentative plan was based on models from other states. Several members mentioned additional measures, such as encryption, should be taken to further enhance security. Mr. Howes stated he will follow up with Relay Health on the ideas presented. He added inputting difficulties and technical problems had decreased. Funding from a grant was in place through the end of 2012 and additional grant applications were planned. Mr. Howes gave a history of the PDMP in Alaska for the benefit of the new board members.

The following information was provided in response to the review of all public comments:

- *Frequency of Data Submission and Cost:* Monthly data submissions are required per regulation. Many participants will report more frequently due to the capability of their existing technology. The board encourages this. The board's cost for the PDMP increases significantly depending on the frequency of mandatory reporting. However, the cost of the program does not change if participants voluntarily elect to submit data more frequently. Real time access is more crucial in the lower 48 due to the effect of bordering states.

- *Waivers:* Waivers will not be granted in lieu of zero reporting because facilities can and do change their licensing and dispensing authority regarding controlled substances.
- *Samples:* Because controlled substances would not be dispensed as a sample, this does not apply.
- *Medicaid Access:* Medicaid will not be an authorized user of the PDMP, nor will any other insurer.
- *Information Retention:* Mr. Howes stated the contract with Relay Health requires a purge of data every two years.
- *Fees for Statistical Profiles:* The disparity in fees for statistical profiles (\$25 fee for a government agency and \$500 for other profile users) was discussed. The logic was to discourage use of PDMP data for purposes other than its intended use. Statistical profiles for marketing and research are labor-intensive tasks that do not directly serve the profession or the public. The higher fee rate is intended to discourage repeated use by researchers and avoid having the data used for financial gain.
- *Frequency of Use by Law Enforcement:* Mr. Holm and Mr. White stated PDMP Audit Reports were required at each board meeting. Non-provider/law enforcement access needed to be quantified as percentage of use. Mr. Howes stated a court order, subpoena or search warrant was required in all cases for access to PDMP information by law enforcement.
- *Use of PDMP Information in Divorce and Child Custody Cases:* Mr. Holm stated it was not the intention of the PDMP to use the data in cases such as these. Mr. Howes will research how to accomplish this and report back to the board.
- *Pharmacist/Prescriber/Agent Communications and Access:* The same patterns of communication exist for the PDMP as with any other communication between prescriber and pharmacist. A pharmacist could suggest that prescriber view the data on a given person, but a pharmacist could not give the hard, printed data to a prescriber. A prescriber's agent does not have access to the PDMP.
- *"Current Pharmacist/Patient Relationship":* Alaska Statute 17.30.200 the PDMP. Item(d) (4) addresses who may



have access to the PDMP data and speaks to the patient/pharmacist relationship. Mr. Howes stated a statute exists in which the pharmacist "has or is in the process of developing a relationship with the patient." He likened this to a physician who specializes in pain management.

The board considered written information provided by the NABP regarding their PDMP Interconnect program and opted to table the topic at this time.

**Upon a motion duly made by Mr. White, seconded by Mr. Kim, and approved unanimously, it was**

**RESOLVED to adopt the October 6, 2010 draft regulations for the Controlled Substance Prescription Database with the addition of defining the pharmacist-patient relationship under the general provisions as per Section 17.30.200 (d) (4).**

**Agenda Item 7      Public Comments**

No public comments were made.

Lunch: Off the record at 12:02 p.m.  
On record 1:10 p.m.

**Agenda Item 8      Federal Facilities**

Peter Putzier from the Attorney General's Office joined the meeting. He stated the information he had was covered under attorney/client privilege.

**Upon a motion duly made by Mr. White, seconded by Ms. Gruening, and approved unanimously, it was**

**RESOLVED to go into Executive Session in accordance with Alaska Statute 44.62.310 (c) (2) to discuss board business.**

Board and staff to remain.  
Off record at 1:13 p.m.  
On record at 2:00 p.m.

**Agenda Item 9      Regulation Projects**

Mr. Mala asked for background information on the remote pharmacy regulations and the "Ten Mile Rule." Mr. Holm explained it as follows:

The "ten-mile rule" was created in response to misuse of the existing remote pharmacy regulations and concept. The intention of the remote regulations was not to compensate for staffing shortages and/or enhance financial gain to the pharmacy industry. However, without a provision such as the Ten Mile Rule, this was occurring on a very small scale and had the potential to multiply. The example cited was this: one chain pharmacy in Anchorage could be fully staffed and all its other facilities could be "remote pharmacies." In this case, the other remote pharmacies in Anchorage would be supervised by a pharmacist at the off-site central location. The staffing at the remote sites would be lesser per regulation, which, when applied, inadvertently created cost savings to the pharmacy chain and solved staffing problems. This was not the intention of the remote pharmacy regulations. It was also oppositional to the board's mission and contradictory to the "golden rule" of pharmacy, which was to promote face to face, in person contact between patient and pharmacist whenever possible. The "Ten Mile Rule" was presented as a solution to this problem based on extensive research and consulting with other states which had similar parameters.

The only negative public comments received have been from Native facilities with concerns, although the "Ten Mile Rule" was not created for that population.

Dan Branch joined the meeting telephonically.

*Resolution In Support of Changes to Remote Pharmacy*

*Regulations:* Ms. Vellucci stated for the record the board members had not seen this document until the board packets were mailed on approximately April 27, 2011. All members stated they reviewed this document prior to the meeting. Also, the *Resolution* was not included in the documents that were advertised for public comments. Mr. Branch said this was not an issue.

*Regulation Hearings:* The board was provided with the policy on Regulation Hearings for their general information. If this was utilized, advance public notice including the regulations was required.

*Remote Pharmacy License:* The public comment received on this topic from Tanana Chiefs Conference (TCC) was reviewed by the board members. They noted the undated five page cover letter

(attached to a May 3, 2011 email) reiterated the same content as previously reviewed by the board. Mr. White responded to statement #3 in this letter: *The Proposal Ignores...the Shortage of Pharmacists*. He noted this was very old data and no longer applied. Mr. White stated he frequently travels nationally for pharmacy business and "everywhere I go, if there's a school of pharmacy within 100 miles, there's no jobs." According to a recent Philadelphia College of Pharmacy Newsletter a surplus currently existed. Mr. Mala asked about a pharmacy that was across the road or not accessible by a road system and the ten mile radius clause in the draft regulations. Mr. Holm and Mr. White stated the intention of the Ten Mile Rule was to describe a ten mile drive on a road. There was extensive discussion about the proposed change from the terms of the regulation from "ten mile radius" to "ten miles via road." It was extremely unlikely these circumstances would apply to any village setting because two pharmacy facilities were not likely to exist in any rural location with a limited population to serve. Further, two pharmacy facilities within ten miles were even more unlikely to exist in a village with a limited population to serve. It was also equally unlikely a retail pharmacy would attempt to establish business in a sparsely populated, rural area that was A) accessible only by air and B) had less than ten miles of road. A member stated it was difficult to understand why TCC opposes this regulation because most IHS facilities claim federal exemption and were licensed by the Board of Pharmacy anyway. Mr. Holm and Mr. White explained how the remote pharmacy regulations were misused in Ketchikan when a chain retail central pharmacy opened a second remote pharmacy, from the same chain, within several miles as a way to address their staffing shortage at the time. Mr. White and Mr. Holm said, for the first time in their 25-35 years in retail pharmacy, they each have 2-3 interns who are graduating this month and looking for employment. They stated this had never occurred historically. In response to a question, a member stated the federal government policy and procedure manual has a rule stating if there was a non-federal pharmacy facility within thirty miles, the federal facility cannot serve non-beneficiaries. The *Resolution In Support of Changes to Remote Pharmacy Regulations* was created to further substantiate the board's position.

The members were individually polled to answer this question:  
*Should "ten mile radius" be changed to "ten miles via road" in the 03/11/11 draft remote pharmacy regulations?*

CJ Kim: Yea	Anne Gruening: Yea	Dirk White: Nay
Ted Mala: Yea	Lori DeVito: Yea	Dick Holm: Yea

The board then directed their attention to each component of the 03/11/11 draft regulation project.

*Reinstating Expired Pharmacist License:* No public comments were received and the members had no further comments.

**Upon a motion duly made by Ms. DeVito, seconded by Mr. White, and approved unanimously, it was**

**RESOLVED to adopt the draft regulations to 12 AAC 52.310 regarding the Reinstatement of an Expired Pharmacist License.**

**Upon a motion duly made by Mr. White, seconded by Ms. DeVito, and approved unanimously, it was**

**RESOLVED to adopt the draft regulations to 12 AAC 52.423 regarding Remote Pharmacy Licenses, with the following change: amend "a 10 mile radius" to "ten miles via road."**

*Disciplinary Reporting Requirements:* The members considered the content of this draft regulation.

**Upon a motion duly made by Mr. White, seconded by Mr. Kim, and approved unanimously, it was**

**RESOLVED to adopt the draft regulations to 12 AAC 52.991 regarding Disciplinary Reporting Requirements.**

**Upon a motion duly made by Mr. White, seconded by Mr. Kim, and approved unanimously, it was**

**RESOLVED to adopt the draft regulations to 12 AAC 52.460 regarding Changes to Schedule II Prescriptions/Prescription Order Information.**

**Upon a motion duly made by Mr. White, seconded by Ms. DeVito and approved unanimously, it was**

**RESOLVED to adopt the Resolution In Support of Changes to Remote Pharmacy Regulations**

The board chair stated for the record the **cost to the public** was duly considered on all regulation projects adopted during this meeting. Each affected regulation was stated on the record. All

members were polled to solicit comments and/or vote to confirm the cost to the public was duly considered on all regulations adopted during this meeting:

CJ Kim: Yea	Anne Gruening: Yea	Dirk White: Yea
Ted Mala: Yea	Lori DeVito: Yea	Dick Holm: Yea

*Medical Marijuana:* There was not much action that could be taken on this topic at this time. The chair and vice chair encouraged members to bring this topic to their legislators in the hopes of getting the legislation introduced during the next session. The chair recommended the members provide to their legislators the letter dated March 2, 2011. The history of this project was provided by the chair and vice chair for the new members.

*Automatic Dispensing Systems:* The members reviewed regulations from other states regarding Automatic Dispensing Systems. The Nebraska regulation 71-2446 Automatic Machine Prohibited was provided in the board packet and the members agreed this reflected their collective intention for Alaska. The chair asked Ms. Vellucci to route this to the regulation specialist so feedback could be provided for the September 2011 meeting.

*Regulation Hearings:* The members were provided with the Division policy regarding Regulation Hearings, for their general information.

#### **Agenda Item 10 AkPhA Report**

Ms. Davis stated the AkPhA board will be providing the pharmacy board with a letter regarding their perceptions about the Medical Marijuana project after their meeting on June 18<sup>th</sup> at 7:00 pm. Mr. Holm & Mr. White will participate telephonically. Ms. Davis reported the following general information from AkPhA:

*Continuing Education:* Ms. Davis gave a report on the courses they provided and the number of credit hours approved. The CPE Monitoring Program was explained to the members. The Board of Pharmacy determined during the February 2011 meeting that technicians could take courses with either a 'P' or 'T' course designation. Mr. White stated Carmen Catizone at the NABP did not think there would be an issue with this. Ms. Davis stated this directive came from the ACPE. The PTCB will implement a testing site for technician certification in Juneau, most likely at the University of Alaska Southeast.

*Legislation:* AkPhA supports the PBM Audit legislation and HB 78 regarding student loan repayment.

*National Take Back Day* collected 1,603 pounds of medication statewide and 1,010 pounds in Anchorage.

*Medical Marijuana:* Ms. Davis stated the primary issues with the AkPhA board were:

- Anecdotal data with sound clinical studies was needed to support the use of medical marijuana. Mr. Holm responded medical marijuana was legal and the question at hand was not regarding its efficacy. The Board of Pharmacy's purpose was not to validate the medical use. Their purpose was to create a method to dispense it safely. A pharmacist who objects does have the right to refuse to fill a medical marijuana prescription.
- Would stocking medical marijuana create an additional risk to pharmacies or pharmacists?
- The AkPhA board would like to know the number of planned growers.
- The AkPhA board is uncomfortable with the statement "The DEA will no longer be enforcing medical marijuana issues." From their perspective, the DEA often has conflicting perspectives on enforcement and there was no citation regarding the source of the of the statement.
- What does "partially owned" by a licensed pharmacist mean?
- What does state and local law enforcement think about this?
- Does the FDA/DEA have labeling requirements for medical marijuana? Mr. Holm responded they did not. Marijuana would have to comply with their standard 7-point labeling requirements for any controlled substance.
- How likely was it that the legislature will make the necessary statutory and regulatory changes?
- What will be the cost to licensees and the board to enact this legislation?
- How will the Board of Pharmacy inspect growing sites given Alaska is self-inspected?

*Pharmacy Technician Certification:* The Technician Advocacy Committee proposed to the following to the AkPhA Board:

- The PTCB test should be the only technician certification test acceptable in AK.
- Two tiers of certification needed to be created: non-certified and certified. The Certified classification would mean the technician passed the PTCB test, received the designation

"CPhT" and has kept their certification current by meeting all the necessary requirements. Only Certified Technicians would be able to perform sterile compounding. Certified Technicians would also be required to pass the pharmacy technician jurisprudence exam on initial licensure, not only during renewal.

Mr. Holm informed Ms. Davis a practicing pharmacist has been added to the PDMP Advisory Board. Applications were being accepted and the PDMP regulations have been adopted. Further discussion about the PDMP occurred.

**Agenda Item 11** Break: Off record at 3:07 p.m.  
On record at 3:24 p.m.

**Agenda Item 12** **Legislative Update**

HB 7 Synthetic Cannabinoids: Passed.

SB 14 Healthcare Provider's Expression of Conscience: Heard and held.

HB 78 Loan Repayment/Employment Incentives: Fiscal note was too high; not expected to pass.

HB 122 Naturopathic Board: Did not pass.

**Agenda Item 13** **Correspondence**

*Reports of Theft/Loss:* Safeway had enacted a plan of correction in response to their theft, according to Mr. Kim.

*Medication Shortage, Doxorubicin:* The members were informed there was a national shortage of this chemotherapeutic agent. An inquiry about this came to the Division Director via the Governor's office. The members stated the solution lies with manufacturers and wholesalers.

*MPJE Item-Writing Workshop:* Mr. Kim and Mr. White participated in this at the end of May. Both commented it was educational in that they now understand how much work goes into writing exam questions, determining a question's statistical weight and how the validity of a question may change due to changes in regulations. These comments reminded the group to review the Intern Questionnaire during the September 2011 meeting.

*NABP Annual Meeting and Travel Grant:* Mr. White was planning to attend this meeting if his travel schedule would allow. He will attend the Region 7 meeting if he was unable to attend the national conference.

**Agenda Item 17      Walgreens/Electronic Filing**

Daina Huyen provided the Board of Pharmacy members with Walgreens Stickerless Electronic Filing protocol. This protocol has been approved in 17 states and the District of Columbia. The purpose of her presentation was to confirm this protocol would be accepted by the Alaska board. Ms. Huyen provided a handout to illustrate the process she described. For ease of reference, this document was titled *Publication 5/12/11 Walgreens* and will become part of the Board of Pharmacy records. The members cross referenced this protocol to the appropriate regulations and approved the process as described in the publication.

*Recess until 9:00 a.m. Friday, May 13, 2011  
Off the record at 4:40 p.m*

**Friday, May 13, 2011**

**Call to Order/Roll Call**

The meeting was called to order by Dick Holm, Chair at 9:00 a.m. Those present constituting a quorum of the board, were:

Lori DeVito, R.Ph.  
Anne Gruening, Public Member  
Richard Holm, R. Ph.  
C. J. Kim, R. Ph.  
Ted Mala, Public Member  
Dirk White, R. Ph.

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

Mary Kay Vellucci, Licensing Examiner

Visitors present:

Daina Huyen, Walgreens

**Agenda Item 14      Review Agenda**



Ms. Vellucci stated she spoke with Mr. Howes regarding the PDMP and had information to relay to the members regarding implementation. Mr. Holm said this would be added to the agenda.

**Upon a motion duly made by Ms. DeVito, seconded by Mr. Kim, and approve unanimously, it was**

**Resolved to approve the agenda as amended.**

**Agenda Item 15      Old Business**

*Licensing Out of State Wholesalers:* This action requires a statutory change. It had been tabled consistently since 2006 for that reason. Mr. Holm stated the regulations were written, but without statutory authority, the regulations were dormant. The members reviewed the Model Rules from the NABP, the draft regulations that were written in 2006 and the regulation revisions recommended by the NABP. An interested legislator needed to be found to move this forward.

Mr. White stated there was discussion about Alaska's pharmacy regulations while he and Mr. Kim were in Illinois for the MPJE Item Writing Conference. The primary NABP staff member who assisted them in this task was familiar with regulations from all states. She stated the Alaska board has "no teeth" with their regulations, largely due to the lack of statutory authority. The members agreed this was the case and noted the only two courses for statutory change were through a friendly legislator or sponsorship from the Division. Mr. White offered to consult with the NABP expert in this regard prior to the September meeting, as she may have suggestions for the board.

It was noted licensing of Out of State Wholesalers was also a safety issue with ADSs, since they are the ones responsible for their implementation, filling and maintenance.

**Agenda Item 16      New Business**

*Electronic Prescribing Regulations:* This topic was brought to the board as the result of a public comment from the February 2011 meeting. The audience member asked the board if they would review the electronic prescribing regulations and reconsider the necessity to keep paper copies of prescriptions. Members noted CMS requires paper copies, courts still require originals and insurers still require the original for 7-10 years. For these reasons, the board took no action on this matter.

**Agenda Item 18 License Applications**

The members reviewed the pharmacist application for Jarrell Sigmon.

**Upon a motion duly made by Ms. DeVito, seconded by Mr. Kim, and approved unanimously, it was**

**RESOLVED to approve the pharmacist license application for Jarrell Sigmon, pending a passing MPJE score.**

The members reviewed the pharmacy intern application for Stuart Gnath.

**Upon a motion duly made by Mr. Kim, seconded by Mr. White, and approved unanimously, it was**

**RESOLVED to approve the pharmacy intern license application for Stuart Gnath.**

The members reviewed the pharmacy intern application for Clay Sloan.

**Upon a motion duly made by Ms. DeVito, seconded by Ms. Gruening, and approved unanimously, it was**

**RESOLVED to approve the pharmacy intern license application for Clay Sloan, pending the jurisprudence questionnaire.**

The members reviewed the pharmacy intern application for Joseph Llewellyn.

**Upon a motion duly made by Ms. DeVito, seconded by Ms. Gruening, and approved unanimously, it was**

**RESOLVED to approve the pharmacy intern license application for Joseph Llewellyn, pending the satisfactory completion of the intern application.**

The members reviewed the pharmacy intern application for Melanie McKain.

**Upon a motion duly made by Mr. White, seconded by Mr. Mala, and approved unanimously, it was**

**RESOLVED to approve the pharmacy intern license application for Melanie McKain, pending the completion of jurisprudence questionnaire.**

The members reviewed the Out of State Pharmacy application for Advanced Care Scripts Inc.

**Upon a motion duly made by Mr. White, seconded by Mr. Kim, and approved unanimously, it was**

**RESOLVED to approve the Out of State Pharmacy Registration application for Advanced Care Scripts.**

The members reviewed the Collaborative Practice Application for Costco Pharmacy #63.

**Upon a motion duly made by Mr. Kim, seconded by Ms. DeVito, and approved unanimously, it was**

**RESOLVED to approve the Collaborative Practice Application for Costco #63, pending practitioner review every three months.**

The members reviewed the Pharmacy Technician application for Ellen Wenger.

**Upon a motion duly made by Mr. White, seconded by Ms. Gruening, and approved unanimously, it was**

**RESOLVED to go into Executive Session in accordance with Alaska Statute 44.62.310 (c) (2) to discuss licensing.**

Board and staff to remain.

Off record at 10:10 a.m.

On record at 10:32 a.m.

**Upon a motion duly made by Mr. White, seconded by Ms. DeVito, and approved unanimously, it was**

**RESOLVED to deny the pharmacy technician application for Ellen Wenger based on AS 08.80.261 (2), (5) and (14) and Regulations 12 AAC 52.920 (a) 10 and (18).**

In Ms. Wenger's personal statement to the board and the Stipulation for Voluntary Surrender of her Nurse Practitioner License in Oregon, proof is provided that medical records were

incomplete, inaccurate, mishandled and their confidentiality was not maintained; patient boundaries were exceeded in the exchange of money in the form of loans from patient to practitioner; patient assessments were not done and not documented when medications were prescribed.

Break, off record at 10:40 a.m.  
On record at 10:55 a.m.

The members reviewed pharmacist applications.

**Upon a motion duly made by Mr. White, seconded by Mr. Kim and approved unanimously, it was**

**Resolved to approve the following pharmacist applications as read into the record:**

**Jeff Egbert, Pending passing MPJE  
Adam Field, Pending passing MPJE  
Lance Finnical, Pending passing MPJE, transcripts & OH license verification.  
Vu Hoang, Pending passing MPJE  
Steven Ipock, Pending passing MPJE  
Donat Jusufi, Pending passing MPJE & NAPLEX, transcripts.  
Dae Gyu Kim, Pending passing MPJE, CA license verification.  
Anne Mock, Pending passing MPJE, TN license verification  
Jun Park, Pending passing MPJE  
Erik Riutta, Pending passing MPJE & NAPLEX, transcripts  
Jim Kyung Yang, Pending passing MPJE and verification of work experience.  
Christopher Wilson, Pending passing MPJE**

**Agenda Item 19      CE Audit, Partial**

The members reviewed Pharmacy Technician CE Audits.

**Upon a motion duly made by Ms. DeVito, seconded by Ms. Gruening, and approved unanimously, it was**

**RESOLVED to approve the CE Audits for the Pharmacy Technicians listed in Tab 16 of the May, 2011 board packets, with the exception of deleting license #2430 and the addition of the approved CE audit for Maria Hardy.**

**Agenda Item 6      PDMP (cont.)**

Ms. Vellucci stated Mr. Howes will draft a letter for board review to send to all licensees prior to the August 1<sup>st</sup> start date for mandatory reporting. Mr. Howes realizes there will be technical issues to resolve during the first few months of implementation. For this reason, there will be no disciplinary action until at least November 1<sup>st</sup>. Meaningful data retrieval should be available approximately January, 2012. Approximately one-third of the facilities were enrolled at this time.

**Agenda Item 20      Office Business**

The members signed Travel Authorizations and Wall Certificates. The next meeting dates will be September 15-16, 2011 and February 16-17, 2012.

The board adjourned at 12:08 p.m.

Respectfully Submitted:

Approved:

\_\_\_\_\_  
Mary Kay Vellucci,  
Licensing Examiner

\_\_\_\_\_  
Dick Holm, Chair  
Alaska Board of Pharmacy

Date: \_\_\_\_\_