

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

**ALASKA STATE BOARD OF PHARMACY**

**MINUTES OF MEETING  
September 24-25, 2009**

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 24-25, 2009, at the Atwood Building, 550 West 7<sup>th</sup> Ave., Suite 1270.

**Call to Order/Roll Call**

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

Leah Handley  
Richard Holm, R. Ph.  
C. J. Kim, R. Ph.  
Dirk White, R. Ph.

Mary Mundell and Steve Johnson were not present.

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

Sher Zinn, Licensing Examiner  
Jo Anna Williamson, Investigator

Visitors present:

Brandy Fouts, Intern  
Leonard Sedon, Intern  
Kristopher Swinney, Target  
Nancy Davis, AkPhA

**Agenda Item 1      Review of Agenda**

The board reviewed the agenda, no changes were made.

**Agenda Item 2      Review Minutes**

The board reviewed the minutes from the May 27-28, 2009, meeting. Mr. White noted the R. Ph. was missing from his name on page one of the minutes and the word "whole" should be spelled "hole" in paragraph four on page 10.

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

**RESOLVED to approve the minutes of the May 28-29, 2009 meeting with the corrections noted.**

**Agenda Item 3      Ethics Disclosure/Goals and Objectives**

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 is generally used for attendance at the District Seven NABP meeting.
8. The board will continue to evaluate the impact of current regulations and the need for new regulations.
9. The board will continue to evaluate regulations regarding collaborative practice, and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.

10. The board will assess and evaluate the growing public concern regarding abuse of illicit and prescription drugs, internet pharmacies, counterfeit drugs, and development of a prescription drug monitoring program.

**Agenda Item 4      Ethics Video**

The board went to the 17<sup>th</sup> floor conference room to watch the Ethics video.

Break- Off the record at 9:55 a.m.  
On the record at 10:06 a.m.

**Agenda Item 5      Regulations**

The board considered the Shared Pharmacy Services and Facsimile Prescription Drug Order regulations that had been public noticed prior to the meeting. After discussion, the board decided to adopt the regulations as noticed. The board noted no public comment for the regulation project had been received.

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

**RESOLVED to adopt the proposed regulations, 12 AAC 52.443, 12 AAC 52.445, 12 AAC 52.460, 12 AAC 52.995, as public noticed, considering the financial cost to the public, and public comment.**

The board discussed the public noticed regulation regarding remote pharmacies. The board reviewed the one public comment received for the regulation from Ken Truitt, attorney for SEARHC. Mr. Truitt had commented two years ago on behalf of SEARHC, when the board had considered a similar regulation change. The public comment included the same information from the prior meeting, as well as an updated letter reiterating their concern and asked the board to not adopt the regulation.

Jun Maiquis, regulation specialist, joined the meeting via telephone. Mr. Maiquis noted the board had several options. To adopt the regulation as public noticed, amend and adopt, table until another meeting, or take no action. He further stated that Dan Branch would be the assistant AG reviewing the regulation but was not available for the meeting to speak with the board. Mr. Branch would review the regulation after it was adopted and sent to the department of law. If Mr. Branch finds there could be a problem with the regulation, he would direct the regulation back to the board for amending. Mr. White asked if it was a conflict of interest for him with a SEARHC facility in Sitka where his pharmacies were located. Mr. Holm said that unless he was planning to put a pharmacy in another community with an existing remote pharmacy, it would not be a problem for him to vote on the adoption of the regulation.

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

**RESOLVED to adopt the regulation, 12 AAC 52.423, as written, considering the financial cost to the public, and public comment.**

Mr. Maiquis disconnected from the meeting.

The board discussed job shadowing and the changes to the pharmacist-in-charge responsibilities discussed at the last meeting. Mr. Holm noted that the PIC would be the person ultimately responsible for the person job shadowing in the pharmacy. They discussed a time limit in the pharmacy and decided no more than 20 hours behind the counter of the pharmacy would be a sufficient amount of time. Mr. Holm noted that half a day would be sufficient for a person wanting to decide if they were going into the profession, Mr. White stated 10 hours would be sufficient. Mr. Kim noted five days at two hours a day would be enough. The board discussed who would sign the form allowing the student to be in the pharmacy. It was also noted a non-disclosure HIPPA form would be required to be signed by the student and the PIC. The discussion included field trips for more than one person. Ms. Handley stated that field trips should be conducted from outside the pharmacy area, not behind the counter.

After discussion, the board decided to move forward with a regulation change for 12 AAC 52.200(b), to include the responsibilities of the pharmacist-in-charge while a student was job shadowing at a pharmacy. The new responsibilities would include: a completed board approved application form signed by the PIC, student, parent, and school official to be submitted at least 48 hours prior to the student entering the pharmacy, and a copy of the form must be kept in the pharmacy for at least two years; HIPPA form to be signed by the student to include patient; limit to 20 hours; one to one ratio; student must be at least high school level or equivalent; PIC is responsible for the student at all times while in the pharmacy.

It was decided the HIPPA disclosure could be included on the application. Mr. White noted the disclosure should include patient's permission before the pharmacist allowed the student to observe while counseling. It was noted a definition must be drafted for "job shadowing" to include reasons for the job shadow, for educational purposes through observation only, and no remuneration either monetary or otherwise.

The board discussed a form that would be required to be completed by the PIC after the student completed the job shadowing and must be kept in the pharmacy for two years. The form would document names of the pharmacy; student and PIC; dates and amount of time in hours; any patient counseling observations; and any problems that may have occurred during the job shadow.

**Agenda Item 15     NABP**

The board discussed the MPJE question review. Mr. Kim stated he would work with Mr. White on the project. It was noted the review would be done remotely via a secure website. In the past, two board members traveled to another state to work on the question review for a two to three day period.

Ms. Zinn noted she would send Mr. Kim's contact information to the NABP and they would contact him directly.

Lunch- Off the record at 11:50 a.m.

On the record at 1:06 p.m.

**Agenda Item 7     Investigator Report**

Jo Anna Williamson joined the meeting to give the investigative report. Ms. Williamson introduced herself as the new investigator for the board, and noted she had worked with the DEA in the past. Ms. Williamson noted that since she was new to the board, the investigative report was submitted by Brian Howes. She further stated she was not familiar with the cases in the report and that Ms. Winton had finished most of the pending cases. As time permitted, she would become familiar with the current pending cases.

Ms. Williamson noted she had information regarding a situation that should be discussed during executive session.

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

**RESOLVED to go into executive session in accordance with AS 44.62.310(2), to discuss investigative and licensing matters.**

Board staff to remain during executive session.

Off the record at 1:15 p.m.

On the record at 1:55 p.m.

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

**RESOLVED to deny the out-of-state license application for Meds for Vets based on AS 08.80.157(h)(4), 08.80.157(h)(1), 08.80.158(d), 08.80.261(a)(2), 12 AAC 52.920(a)(13)(14)(15).**

The board noted the following reasons based on the information provided by the investigator: 08.80.157(h)(4) and 08.80.158(d), for surrendering the facilities DEA registration; 08.80.157(h)(1), DEA 222 forms were not filed; 08.80.261(a)(2) and

12 AAC 52.920(a)(13), failing to notify the board the DEA registration had been surrendered and the facility was under investigation by the State of Utah; 12 AAC 52.920(a)(14), failure to maintain control against diversion; 12 AAC 52.920(a)(15), failure to use reasonable knowledge and skills in the practice of pharmacy by not submitting the DEA 222 forms.

For the record Mr. Holm, acting chair, signed the adoption orders for both regulation projects approved earlier in the day.

**Agenda Item 8**      **CE Audit**

The board reviewed the Consent Agreement for case #2606-09-009.

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

**RESOLVED to approve the consent agreement for case #2606-09-009.**

Mr. Holm signed the Consent Agreement. The consent agreement was for Mirsija Papraniku, pharmacy technician license #1842.

**Agenda Item 6**      **PDMP Update**

The board reviewed the update submitted to the board from Brian Howes. It was noted the state had received a \$400,000 grant which would be used to implement the program. The grant funding period runs from September 1, 2009 through August 31, 2011. The report states the date for full implementation of the program is January 2011.

Break- Off the record at 2:19 p.m.  
On the record at 2:35 p.m.

**Agenda Item 9**      **Public Comment**

No one was present for public comment.

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

Nancy Davis, executive director of AkPhA, joined the meeting to give the report. Ms. Davis outlined the home study and live Continuing Pharmacy Education sponsored by AkPhA from June through September. Ms. Davis also noted the association will continue to support SB38, regulation of Pharmacy Benefit Managers, PBMs, and SB139, which would fund loan repayment and incentives for health care professionals. Other bills also mentioned the association would support were HB235 and SB174, which would allow loan forgiveness for not

fewer than five students to attend 4-year programs in each of the following: dentistry, optometry and pharmacy.

Ms. Davis noted the board met the previous night regarding pharmacy technician certification. The board felt the PTCB exam was more stringent than the ExCPT exam. The board thought only one exam should be accepted for technicians since pharmacists have only one exam.

The board recessed until 9:00 a.m. on Friday.  
Off the record at 3:12 p.m.

### **Friday, September 25, 2009**

#### **Call to Order/Roll Call**

The meeting was called to order by Dick Holm, Vice Chair, September 25, 2009, at 9:07 a.m. Those present constituting a quorum of the board were:

Leah Handley  
Dick Holm, R. Ph.  
Christopher Kim, R. Ph.  
Dirk White, R. Ph.

Mary Mundell and Steve Johnson were not present.

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

Sher Zinn, Licensing Examiner

Visitors present:

Brandy Fouts, Intern  
Leonard Sedon, Intern

#### **Agenda Item 11 Review Agenda**

Ms. Zinn noted there was an issue she would like the board to discuss regarding wholesale distributors. The subject was added to the agenda after the License Application Review.

#### **Agenda Item 12 Division Updates**

The board discussed the Expense Report. Cathy Mason, Administrative Officer, joined the meeting via telephone to outline the report and answer any questions for the board. Ms. Mason stated the direct personal services expenses would be

the examiner's time spent directly on the pharmacy board. Indirect personal expenses would be someone such as her who had several different areas and part of the time is allotted for each licensing area. Direct travel expenses are related directly to the board and the examiner traveling to a meeting or a conference. The indirect travel expenses would be another staff person, such as the director traveling to Anchorage to address overall issues. Contractual services expenses are for exams, proctor fees, and attorney fees. Indirect would be mail services, fiscal, and the commissioner's office. Supplies used by the examiner directly for board purposes would be allocated to direct. Indirect would be a portion of the general office supplies. This year the Pharmacy Board's indirect expenditure was 5.2%, which would be based on the amount of licensees the board had. Ms. Mason noted the board still had \$214,000 going into fiscal year 2010 which would mean the board could lower license fees next year.

Ms. Mason disconnected from the meeting.

The board discussed whether fines paid by licensees went to the board directly to help pay the investigator's fees. Ms. Zinn noted she had asked Jennifer Strickler, division chief, the question after the last board meeting. Ms. Strickler stated the legislature had passed a law where the fines would be allocated to the general fund instead of to the specific licensing areas. The purpose was to keep an individual board from imposing fines to generate revenue. Mr. White stated he would like to see the law changed so that the fines could be allocated to the investigator's salary for spending time on investigations.

Ms. Zinn gave an outline of the annual report. Ms. Zinn noted the board was up for sunset next year and the audit had started this year. She further noted that the attorney general opinion the board had requested several years ago, would be addressed in the audit report to the legislature.

### **Agenda Item 13     License Application Review**

Ms. Zinn gave the board a fingerprint report for a wholesale distributor. The board currently may approve a wholesale distributor application pending receipt of the fingerprint report from the Department of Public Safety. The board usually will not see the report before the license is issued. Ms. Zinn asked the board for direction if a fingerprint report came back showing a conviction that may have caused the board to deny the license. She noted that currently the regulations for wholesale distributors do not address any problem issues and perhaps the board should think of a regulation regarding disciplinary issues for facility managers. The board took the issue under consideration and decided to look at amending the regulations at a future meeting.

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



**RESOLVED to go into executive session in accordance with AS 44.62.310(2), to discuss license applications.**

Board staff to remain during executive session.

Off the record at 10:00 a.m.

On the record at 10:35 a.m.

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

**RESOLVED to approve the pharmacy technician license application for Aiesha Collins, pending a board approved consent agreement to include proof of payment of all monetary fees, fines and restitutions, and the consent agreement to be in effect until notification the licensee is no longer on probation.**

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

**RESOLVED to deny the pharmacy technician license application for Kimberly Kvalevog based on AS 08.80.261(a)(4).**

The board noted for the record that Kimberly Kvalevog was denied a license based on AS 08.80.261(a)(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". Specifically noted were the two misdemeanor convictions of theft and the multiple traffic violations in which her driver's license was revoked until the fines were paid.

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

**RESOLVED to approve the pharmacy technician license application for Katreena Little.**

The board reviewed the remaining license applications for pharmacists, pharmacies, drug rooms and technicians.

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

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

Pharmacies-

Costco Pharmacy #107  
Target Store T-2372

Drug Room-

Fresenius Medical Care-Soldotna

Pharmacists-

Robin Cooke- pending passing MPJE score  
Mark Johnson- pending transcripts, passing MPJE score  
Christopher Pratt- pending verification of licensure from Colorado  
Anand Vora- pending passing MPJE score, verification of 1500 hours of internship

Technicians-

Valentina Brobrova  
Catherine Sickler-Bigelow  
Dawn Stone

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

**RESOLVED to approve the collaborative practice agreements as read into the record.**

Fred Meyer Pharmacy #071, Immunization, Colleen Barnes #1822, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #668, Immunization, John Evey #1716, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #656, Immunization, Charles Bennett #610, Leeann Mercier, ANP #235  
Fred Meyer Pharmacy #671, Immunization, Raymond Grogan #727, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #158, Immunization, Michael Lessard #1551, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #653, Immunization, Melissa Anderson #1611, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #018, Immunization, Dawn Shill #1643, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #011, Immunization, Kenneth Dazey #1446, Leeann Mercier ANP #235

Fred Meyer Pharmacy #224, Immunization, Kimberly West #784, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #017, Immunization, Douglas Morris Jr. #738, Leeann Mercier ANP #235  
Fred Meyer Pharmacy #485, Immunization, Jared Mattson #1689, Leeann Mercier ANP #235  
Target Pharmacy #2339, Immunization, Aimee Witler #1845, Raymond Jarris, MD #3213  
Target Pharmacy #2371, Immunization, Kristina Dym #1709, Raymond Jarris, MD 3213

**Agenda Item 14**     **Correspondence**

The board reviewed the NABP correspondence.

NABP- August 20, 2009- Update on the National Association of Pet Pharmacies- No action required  
NABP- August 20, 2009- Survey Results- Automated Dispensing Machines- No action required  
NABP- August 2009- NABP State News Roundup- No action required  
NABP- July 30, 2009- Prescription Labeling- No action required  
NABP- July 23, 2009- Return and Reuse Position Statement- No action required  
NABP- July 9, 2009- Internet Drug Outlet Identification Program- No action required  
NABP- June 2009- State News Roundup- No action required  
NABP- September 15, 2009- Melamine Contamination in Pharmaceutical Components- No action required  
NABP- September 4, 2009- Prescription Labels- No action required

The board reviewed the general correspondence.

NASPA- July 29, 2009- Alliance for Patient Medication Safety- No action required  
Superior Equine Pharmaceuticals, Inc.- July 23, 2009- Illegal Compounding- No action required  
Southern Illinois University- July 20, 2009- Invitation to Summit- No action required  
Wal-Mart Pharmacy #10-2722- September 1, 2009- Report of Theft or Loss- No action required  
Geneva Woods Medset Pharmacy- June 26, 2009- Report of Theft or Loss- No action required.

**Agenda Item 16**     **Office Business**

The board set the meeting dates for 2010 as follows:

February 18-19- Anchorage  
May 13-14- Anchorage  
September 23-24- Anchorage

The board elected the following officers for 2010:

Chair- Dick Holm  
Vice Chair- Dirk White  
Secretary- Steve Johnson

The board signed the wall certificates and TA forms.

The board adjourned at 11:41 a.m.

Respectfully Submitted:

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Sher Zinn, Licensing Examiner

Approved:

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Dick Holm, Vice Chair  
Alaska Board of Pharmacy

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