

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

**ALASKA STATE BOARD OF PHARMACY**

**MINUTES OF TELECONFERENCE MEETING**

**March 16, 2011**

*These 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(1) and in compliance with the provision of AS 44.62, Article 6, a teleconference meeting of the Board of Pharmacy was held on March 16, 2011 to discuss licensing matters and other board business.

**Call to Order/Roll Call**

The meeting was called to order by Dick Holm at 1:00 pm. Those present constituting a quorum of the board, were:

Richard (Dick) Holm, RPh., Chair  
Dirk White, RPh., Vice Chair  
Christopher Kim, RPh.  
Mary Mundell, RPh.  
Lori DeVito, RPh  
Leah Handley, Public Member

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

Gary Keiser, Investigator  
Mary Kay Vellucci, Licensing Examiner

Present from Attorney General's Office:

Dan Branch, AG

**Agenda Item 1 Pharmacy Technician License Surrender**

This was in reference to Case No. C2606-09-003. Mr. Keiser stated initially he was unable to contact the licensee but she later signed and returned the Surrender of License. Mr. Holm asked if there were any comments from the members and none were offered.

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

**RESOLVED to accept the Surrender of License in Case No C2606-09-003.**

This surrender pertains to Debora L. Burns. The chair signed the order and stated he was putting the original copy in the postal mail to Ms. Vellucci in the Juneau Office.

**Agenda Item 2      Pharmacist Consent Agreement**

The chair confirmed the members received the Consent Agreement prior to the teleconference and had sufficient time to review it. He asked for any discussion and heard none.

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

**RESOLVED to accept the Consent Agreement in Case No 2010-001171.**

This Consent Agreement pertains to pharmacist Charles Balzarini. The chair signed the order and stated he was putting the original copy in the postal mail to Ms. Vellucci in the Juneau Office.

**Agenda Item 3      Pharmacy Technician with Yes Renewal**

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

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

Board, staff to remain.  
Off record at 1:09 p.m.  
On record at 1:14 p.m.

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

**RESOLVED to accept the pharmacy technician license renewal for license number #PHAC 2308.**

This license pertains to Kaley Koeblin.

**Agenda Item 4      Regulation Project**

The board received the 3/11/11 Draft Regulations prior to the teleconference. Mr. Branch reviewed the draft regulations, topic by topic. Hearing no objection to the draft regulations, Mr. Holm polled each board member to solicit comments. Hearing none, the following motion was made:

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

**Resolved to send for public comment the March 11, 2011 draft regulations of 12 AAC 52.310 Reinstatement of an Expired Pharmacist License, 12 AAC 52.460 Prescription Drug Order Information, 12 AAC 52.991 Disciplinary Reporting Requirement and 12 AAC 52.423 Remote Pharmacy License.**

Board members agreed this should be advertised to all licensees in addition to the minimum requirements.

#### **Agenda Item 5 Medicaid re Mediset Reimbursement**

Mr. Holm asked Mr. Branch to address the members regarding Ms. Mundell's draft letter about changes in Medicaid reimbursement for mediset services. Mr. Branch stated the board should be aware of their statutory purpose to protect and promote the public health of Alaskans. This may come into question if the board used their authority to enhance the financial interest of the pharmacy business. Given these recent changes in Medicaid regulations were already adopted, changing them would be "quite an uphill battle."

Mr. White mentioned there was concern about whether or not due process was followed in this case. Mr. Branch said the minimum advertising for draft regulations appeared to be met, based on the correspondence he received. He added a Medicaid provider challenged the public notice measures taken by Medicaid in the past and it was unsuccessful. Another option was for the board to ask the legislature to review the regulation.

Ms. Mundell asked Mr. Branch if Medicaid regulations must be passed through the board. He replied that was not the case; the comment period was equal regardless of title. Similar federal standards would also apply.

Mr. Holm stated this could be construed as an economic issue or public health issue.

Mr. White suggested the State Association and the licensing examiner should be on the interested parties list for Medicaid draft regulations pertaining to the practice of pharmacy. Ms. Vellucci agreed to do so.

Ms. Mundell stated she learned from the NACDS there was a federal process, referred to as "SMA," which was required in order for Medicaid to pass this regulation. This step was not done.

There was group discussion about whether or not the board should redraft a letter and the potential content of the letter. Mr. Holm polled the members about their recommendation for the board's action in this regard. The outcome was Ms. Mundell would redraft a more concise letter, taking into account the points made

by the members, and route it in the standard manner to acquire review and edit from all members.

**Agenda Item 6 PDMP Waiver for Department of Corrections (DOC)**

This was discussed briefly at the February meeting. Mr. Howes subsequently informed Mr. Holm that DOC dispensing procedures were similar to other in-patient facilities. For this reason, Mr. Howes was requesting the board reconsider the denial of the DOC PDMP waiver. The members wanted to know if DOC dispensing did or did not include residents of half way houses and other community placements under the purview of DOC. The consensus was to exempt DOC from reporting if this population was categorized as DOC in-patients; but not to exempt DOC from reporting if this population was categorized differently. The objective of the members was to track their use of controlled substances either by DOC dispensing or through PDMP reporting from a retail pharmacy.

Mr. Holm stated he would contact Mr. Howes to get clarification on that point and let the members know the outcome.

The meeting was adjourned at 2:12 pm.

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Mary Kay Vellucci, Licensing Examiner

Approved:

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Dick Holm, Chair  
Alaska Board of Pharmacy

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