

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

BOARD OF PHARMACY

CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 20, 2025

Date: February 20, 2025

Time: 09:00am – 05:00pm

Location: Online via Zoom™

Board Members: Ashley Schaber, Carla Hebert, Ramsey Bell, Sylvain Nouvion,
Dylan Sanders, and Sara Rasmussen

Attending: Staff: Michael Bowles, Billy Homestead, Holly Handley, Greg Gober, and Melissa
Dumas

Absent: James Henderson

Agenda Item #1. Roll Call/Call to Order – Board and Staff Introductions

Roll Call:

Ashley Schaber - Present
Sara Rasmussen - Present
James Henderson - Absent
Carla Hebert - Present
Ramsey Bell – Present
Sylvain Nouvion – Present
Dylan Sanders - Present

On the record at 09:00am.

Agenda Item #2 Ethics Disclosures

Brief Discussion: Ashley Schaber disclosed she is a member of the Alaska Pharmacy Association (AKPhA) Legislative Committee.

Agenda Item #3 Consent Agenda Items

Brief Discussion:

- Reviewed and approved meeting agenda.
- Reviewed lost or stolen controlled substances/DEA 106s.

Motion: Sara Rasmussen moved to approve the consent agenda items as written and listed above and requested unanimous consent. Seconded by Carla Hebert.

Recorded Votes:

Unanimous Consent.

It was resolved to approve the consent agenda items as written and listed above.

Agenda Item #4 Investigations Review

Discussion:

- Holly Handley, Investigator, Greg Gober, Investigator, and Billy Homestead, Senior Investigator
 - Investigative Report from November 01, 2024, through February 03, 2025.
 - Open Cases: 55
 - Closed Cases: 44
 - License Actions: 3
 - License Denials: 1
 - The board conducted reviews of two open cases.

Motion: On a motion made by Carla Hebert in accordance with AS 44.62.310(c)(2) and seconded by Sylvain Nouvion, the board moved to enter executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. No request was made for public discussion. Board members Carla Hebert, Ramsey Bell, Sara Rasmussen, Dylan Sanders, and staff members Michael Bowles, Billy Homestead, Greg Gober, and Holly Handley were authorized to remain in the room with board members Ashley Schaber and Sylvain Nouvion recused. Cases discussed will be 2024-000876.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson -

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Nouvion – Yes

Dylan Sanders - Yes

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 9:13am

On record from executive session at 9:27am

No motions were made during the executive session.

Motion: Carla Hebert motioned to approve the consent agreement order as written for case 2024-000876, asked for unanimous consent. Seconded by Sara Rasmussen.

Recorded Votes:

Unanimous Consent.

It was resolved to approve the consent agreement order as written for case 2024-000876.

Motion: Carla Hebert motioned to approve the application for case 2024-001004. Seconded by Ashley Schaber.

Recorded Votes:

Ashley Schaber - No
 Sara Rasmussen - No
 James Henderson -
 Carla Hebert - No
 Ramsey Bell – No
 Sylvain Nouvion – No
 Dylan Sanders - No

It was not resolved to approve the application for case 2024-001004.

Motion: Carla Hebert motioned to deny the application for case 2024-001004. Seconded by Ashley Schaber.

Recorded Votes:

Ashley Schaber - Yes
 Sara Rasmussen - Yes
 James Henderson -
 Carla Hebert - Yes
 Ramsey Bell – Yes
 Sylvain Nouvion – Yes
 Dylan Sanders - Yes

It was resolved to deny the application for case 2024-001004.

Agenda Item #5 Division Updates

- Michael Bowles, Executive Administrator of the Board of Pharmacy
 - Provided the board members with and annual reminder of State of Alaska travel policy and procedures while on official travel status for the board.
 - Disciplinary matrix updates were discussed in executive session.
 - Prescription Drug Monitoring Program (PDMP) updates were provided to the board.
 - The fourth quarter PDMP report for 2024 was provided to the board.
 - Lisa Sherrell is on the PMPi Federal Affairs Sub-committee with NABP. They are working on a letter to submit comments on the DEA’s new proposed telehealth rules.
 - PDMP is working on the Non-Fatal Overdose Module called OD Insights. They are waiting for final signatures and will then work with our partners at DOH and the HIE to get the word out and start connecting facilities to be able to report the ADT data.
 - PDMP understands some facilities will want to report data to be included that are not signed up with the HIE and we are working on a work around for them.
 - Once PDMP initiates the module all providers will be able to see the module, even if the facility they work at does not submit data to be included.
 - Task created for PDMP to share DEA telehealth letter with board.
 - Task created for Michael Bowles to meet with PDMP to coordinate meeting with healthcare related board chairs.
- Melissa Dumas, Administrative Operations Manager (10:30 – 10:45)

- Provided the board with the budget report for the second quarter, fiscal year 2025.

Motion: On a motion made by Ashley Schaber in accordance with AS 44.62.310(c)(3) and seconded by Sara Rasmussen, with unanimous consent requested, the board moved to enter executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. No request was made for public discussion. Board members Ashley Schaber, Sylvain Nouvion, Carla Hebert, Ramsey Bell, Sara Rasmussen, Dylan Sanders, and staff members Michael Bowles, Billy Homestead, Greg Gober, and Holly Handley were authorized to remain in the room.

Recorded Votes:

Unanimous Consent.

It was resolved to enter executive session in accordance with AS 44.62.310(c)(2).

Off record for executive session at 9:46am

On record from executive session at 10:12am

No motions were made during the executive session.

Agenda Item #6 Public Comment Period

Discussion:

- Jen Adams, ISU/UAA Pharmacy School - thanked Ashley Schaber for helping in the pharmacy law class, evaluating students, and presenting a law update this semester, as well as stated appreciation of the partnerships between the College of Pharmacy and the Board of Pharmacy.

Agenda Item #7 Industry Updates

- Brandy Seignemartin, PharmD – Alaska Pharmacy Association (AKPhA) Executive Director
 - Provided the board with updates from the AKPhA Annual Convention.
 - Provided the board with current industry challenges AKPhA is addressing.

Industry Update

Brandy Seignemartin, PharmD
AKPhA Executive Director

&

Brittany Keener, PharmD, MPH, BCPS, FAKPhA
AKPhA President



59th Annual Convention & Tradeshow

- Three full days of CE and programming
- Over 150 pharmacist, technician, and student pharmacist attendees
- AKPhA Leadership Transition
 - Brittany Keener, AKPhA President
- Thank you for BOP & PDMP participation!



Current Issues

Medicaid Cost of Dispensing (COD) Survey Results

- In December results presented show decreased COD since 2019
- 71% of survey inputs = staffing
- Potential patient safety & healthcare access issues brewing due to downward pressure on system
- Recap of AKPhA Meeting with Medicaid



Current Issues

Highlights from the [FTC Second Interim Staff Report](#) on PBMs:

- **Significant price markups:** The Big 3 PBMs imposed *markups of hundreds and thousands of percent on numerous specialty generic drugs* dispensed at their affiliated pharmacies—including drugs used to treat cancer, HIV, and other serious diseases and conditions. The Big 3 PBMs also reimbursed their affiliated pharmacies at a higher rate than they paid unaffiliated pharmacies on nearly every specialty generic drug examined.
- **Dispensing the most profitable drugs:** A larger, disproportionate share of commercial prescriptions for specialty generic drugs marked up more than \$1,000 per prescription were dispensed by the Big 3 PBMs' affiliated pharmacies compared with unaffiliated pharmacies. Dispensing patterns suggest that the Big 3 PBMs may be steering highly profitable prescriptions to their own affiliated pharmacies (and away from unaffiliated pharmacies).
- **Over \$7.3 billion of dispensing revenue in excess of NADAC:** The Big 3 PBMs' affiliated pharmacies generated over \$7.3 billion of dispensing revenue in excess of their estimated acquisition cost, as measured by the National Average Drug Acquisition Cost (NADAC), on specialty generic drugs over the study period. PBM-affiliated pharmacy dispensing revenue in excess of NADAC increased dramatically at a *compound annual growth rate of 42 percent* from 2017-2021. In the aggregate, the *top 10 specialty generic drugs generated \$6.2 billion of dispensing revenue in excess of NADAC* (85 percent of total).



Current Issues

Highlights from the [FTC Second Interim Staff Report on PBMs \(Continued\)](#):

- **Generating additional income via spread pricing:** In the aggregate, the Big 3 PBMs also separately generated an estimated \$1.4 billion of income from spread pricing—i.e., billing their plan sponsor clients more than they reimburse pharmacies for drugs—on the analyzed specialty generic drugs over the study period.
- **Specialty generic drugs help drive parent healthcare conglomerates' operating income:** The top specialty generic drugs accounted for a significant share of the relevant business segments reported by the Big 3 PBMs' parent healthcare conglomerates. Operating income from the Big 3 PBMs' affiliated pharmacies dispensing of the analyzed *specialty generic drugs accounted for 12 percent of the aggregated operating income reported by the parent healthcare conglomerates' business segments* that include their PBM and pharmacy businesses in 2021.
- **Plan sponsor and patient drug spending increased significantly:** In 2021, the last year for which the FTC received full-year data for this study, plan sponsors paid \$4.8 billion for specialty generic drugs, while patient cost sharing totaled \$297 million. Between 2017 and 2021 plan sponsors and patient payments both increased at compound annual growth rates of 21% for commercial claims, and 14%-15% for Medicare Part D claims.

Work expected to continue with new administration



Current Issues

Enforcement of HB 226:

- All hands on deck situation
- Division of Insurance [Complaint Process](#)

Current Legislative Activity

Cooperative Practice Agreements

- Working to address and resolve Board of Medicine concerns

Standard of Care Leadership Summit Attendance

Task Force on Psychedelic Medicines



Agenda Item #8 Statutes Discussions

- Current Legislative Matters
 - Ashley Schaber addressed continued involvement from the board with items that were not included in House Bill 226 when that passed in 2024.
 - Ashley Schaber stated she had been communicating with Representative Ruffridge for guidance on how to pursue legislation for changes to the following statutes:
 - Amend AS 08.80.030(b) to read: (19) prohibit, limit, or provide conditions relating to the dispensing of a prescription drug that the United States Food and Drug Administration or the prescription drug's manufacturer has not approved for self-administration to ensure the effectiveness and security of a prescription drug to be administered by infusion or in a clinical setting.
 - Statute changes to AS 08.80.337 to allow pharmacists to practice at the top of their clinical ability.
 - Removal of sections (4) and (6) from AS 08.80.145.

Agenda Item #9 Adjourn for Lunch (off record at 11:55pm)

Ashley Schaber made a motion to adjourn for lunch and asked for unanimous consent, seconded by Carla Hebert.

Recorded Votes:

Unanimous consent.

It was resolved to adjourn for lunch.

Agenda Item #10 Roll Call/Call to Order (on record at 12:33pm)

Roll Call:

Ashley Schaber - Present
 Sara Rasmussen - Absent
 James Henderson - Absent
 Carla Hebert - Present
 Ramsey Bell – Present
 Sylvain Nouvion – Present
 Dylan Sanders – Present

Quorum was met.

Sara Rasmussen joined at 12:53pm.

Agenda Item #11 Regulations Discussions

- Update on Current Regulation Project
 - Michael Bowles discussed current regulation project roadblocks identified by Department staff for background check regulations which included issues with fingerprint cards currently being used by the Alaska Department of Public Safety (DPS) rather than electronic/digital fingerprinting.
 - The board voted to table background check regulations until DPS has electronic/digital fingerprinting in place.

- Discussed regulation related to Standard of Care implementation.
 - Sylvain Nouvion stated there are many pieces of regulation that are repetitive.
 - Ashley Schaber discussed recent changes to regulations concerning standard of care in sterile compounding. Ashley Schaber also stated she will be assisting with a pharmacy law class where standard of care will be discussed and will bring ideas back to the board.
 - Sara Rasmussen stated compiling ideas and hearing from pharmacy students would be beneficial. The board should avoid going through work on changes that cannot be done but cleaning up the regulations and removing redundancy should occur.
 - Carla Hebert stated Idaho recently removed quite a bit of redundancy in their regulations and noted that Alaska regulations have redundancy. Labeling is redundant throughout the regulations.
 - Ashley Schaber stated this would be a good project to work on after the current legislative session.
 - Sylvain Nouvion discussed 52.490 being redundant.
 - Ashley Schaber and Sylvain Nouvion discussed dividing the regulations up to review for redundancy.
 - Sara Rasmussen suggested having policy objectives rather than dividing the project into chunks for each board member to review. Having multiple people look at one area of the policy the board wants to shape and then have conversations about it as well as having more than one person that is well versed in that area is going to be more beneficial to the board.
 - Carla Hebert will review regulations concerning medipaks.
 - Ashley Schaber will review regulations concerning vaccines.
 - Dylan Sanders will review regulations concerning labeling.
 - Sylvain Nouvion will review regulations concerning security.
 - The board discussed regulations regarding automated distribution kiosks, as this model has been identified as a way to help ensure access when pharmacy closures happen. The board noted that the current regulations limit what can be stored in the kiosks, which limits access.

Motion: Sara Rasmussen motioned to repeal 12 AAC 52.595(a)(3). Seconded by Carla Hebert.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes

James Henderson -

Carla Hebert - Yes

Ramsey Bell – Yes

Sylvain Nouvion – Yes

Dylan Sanders - Yes

It was resolved to repeal 12 AAC 52.595(a)(3).

Motion: Ashley Schaber motioned to table the background check regulation project until the Alaska Department of Public Safety has digital fingerprinting processes in place. Seconded by Sylvain Nouvion.

Recorded Votes:

Ashley Schaber - Yes

Sara Rasmussen - Yes
James Henderson -
Carla Hebert - Yes
Ramsey Bell – Yes
Sylvain Nouvion – Yes
Dylan Sanders - Yes

It was resolved to table the background check regulation project until the Alaska Department of Public Safety has digital fingerprinting processes in place.

Agenda Item #12 Public Comment Period

Discussion:

- Rob Geddes, CVS – Stated he applauds the board with their approach to standard of care.

Agenda Item #13 Board Business

- NABP Member Forum Follow-up
 - Ramsey Bell - Artificial Intelligence (AI) and Regulatory Boards
 - Updated the board with information from the NABP member meeting concerning utilizing and regulating AI.
 - Task for the board to track what other state boards are doing with AI.
 - Carla Hebert stated she is interested in what North Dakota is doing with telehealth when a pharmacist cannot get to the pharmacy due to bad weather.
 - Task created for the board to follow up on e-prescribing.
- AKPhA Annual Meeting Follow-up
 - Carla Hebert discussed Just Culture and how the medical field got to Just Culture.
 - Task for Michael Bowles to look into how to create a survey on Just Culture.
 - Task for Carla Heber to write survey questions on Just Culture.
- Collaborative Pharmacy Practice
 - Ashley Schaber provided the board with an update on changes to the collaborative practice process as well discussions with the medical board. The Board of Pharmacy is no longer required to approve each collaborative practice agreement, but licensees working under collaborative practice are still required to notify the Board. The AK State Medical Board is required to approve each pharmacist-physician collaborative practice agreement, and Ashley has been in conversation with the AK State Medical Board regarding the process and the concept of collaborative practice in general.
- The Pharmacists' Patient Care Process (PPCP)
 - Ashley Schaber discussed the history behind the Joint Commission of Pharmacy Practitioners (JCPP) Pharmacists' Patient Care Process (PCPP), and what the intent is, and that the PPCP aligns with the collaborative practice agreement process.
 - Ashley Schaber asked the board if they would like to provide feedback of public comment on the document.
 - Sara Rasmussen asked if the language presented is different than the current process.
 - Ashley Schaber explained the current process, stated the language essentially outlines the current process.

- Task for Ashley Schaber to write up public comment responses for the board and submit for a vote in OnBoard for approval. Once approved, Ashley Schaber will submit the responses to the survey.
- Medicaid Cost of Dispensing Survey Letter
 - Ashley Schaber discussed the letter the board submitted to Deputy Commissioner Emily Ricci. There has been no update from the Department of Health at this time.
- Adverse Drug Events
 - Ashley Schaber discussed adverse drug events and the statutory requirement of pharmacies reporting them to the board.
 - Michael Bowles will add adverse drug events to consent agenda items on future meeting agendas.
- Accreditation Council for Pharmacy Education (ACPE) Site Visit to UAA Campus
 - Ashley Schaber informed the board that a board member was invited to be an observer during the Idaho State College of Pharmacy UAA Campus ACPE visit, which is coming up on March 10th. Ashley will be participating in that as an observer.
 - Task created for Michael to invite Dr. Tom Wadsworth and Dr. Jen Adams to the next meeting for an update on the ACPE visit.
- Review Strategic Plan and Discuss Prioritization Matrix
 - Task for the Board to update the strategic plan for 2025 at the May meeting.
 - Task for Michael Bowles to review the strategic plan from the Division's perspective and recommend changes.
- Annual Report
 - Due in May
 - Ashley Schaber will draft the annual report, and Carla Hebert will review. The final report will be reviewed in May or sent as an Onboard vote.
- 2025 Upcoming Conference Attendees
 - NABP Committee on Law Enforcement/Legislation, Mount Prospect, IL – March 03-04, 2025
 - Executive Administrator – Michael Bowles
 - Tri-Regulator Symposium and Opioid Regulatory Collaborative Summit, Tyson's Corner, VA – March 06-07, 2025
 - Executive Administrator – Michael Bowles
 - Rx and Illicit Drug Summit, Nashville, TN – April 21-25, 2025
 - PDMP Manager – Lisa Sherrell
 - Executive Administrator – Michael Bowles
 - Chief Investigator – Erika Prieksat
 - NABP Annual Meeting, Ft. Lauderdale, FL – May 13-16, 2025
 - Executive Administrator – Michael Bowles, possibly a board member
 - Attending Member – Dylan Sanders and Carla Hebert will look at their calendars and provide the board with their availability.
 - Task to follow up on who will be the delegate, vote in OnBoard once identified.
- Tasks List Review and Update
 - Ashley Schaber reviewed the tasks list and discussed outstanding tasks from previous meetings that needed to be modified.
 - The inspection sheets task shifted from Michael Bowles to Ramsey Bell.
 - Michael Bowles provided the board with the status and completion of tasks from the PDMP workgroup.

Off the record at 1:41pm for a break.

On the record at 1:59pm.

Agenda Item #14 Chair Final Comments

Discussion:

- Next Quarterly Meeting – May 22, 2025
- The board may need to call a special meeting in late March to early April depending on legislation that could be introduced that would affect the board's statutes.

Agenda Item #15 Adjourn

Carla Hebert moved to adjourn the meeting, asked for unanimous consent. Seconded by Ramsey Bell.

Recorded Votes:

Unanimous consent.

It was resolved to adjourn at 2:15pm.