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
April 27-28, 2006

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 April 27-28, 2006 at the Atwood Building, 550 West 7th Ave., Suite 1860, Anchorage, AK.

Call to Order/Roll Call

The meeting was called to order by Cindy Bueler, Chair, April 27, 2006 at 1:01 p.m. Those present constituting a quorum of the board, were:

Cindy Bueler, R. Ph.
William Altland, R. Ph.
Gary Givens, R. Ph.
Richard Holm, R. Ph.
Mary Mundell, R. Ph.
Leona Oberts

Michael Pauley was not present at the meeting.

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

Sher Zinn, Licensing Examiner
Rick Younkins, Chief Investigator

Visitors present:

Josh Bolin, NABP
Lis Houchen, NACDS
Nancy Davis, AkPha

Agenda Item 1 **Review of Agenda**

The board approved the agenda with the following changes:

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

RESOLVED to approve the agenda with the following amendments:

Add the progress of the Attorney General Opinion regarding licensing of Native Facilities to agenda item 12, while Gayle Horetski is available for the update.

Agenda Item 3 **Review of Minutes**

The board reviewed the minutes from the February 9-10, 2006 meeting. Ms. Bueler noted the following corrections:

- Page 9, last paragraph, last sentence change to- ";those same hours may be used for re-licensure provided the hours were obtained during the required time period."

On a motion duly made by Mr. Givens, seconded by Mr. Altland, and approved unanimously, it was

RESOLVED to approve the minutes of the February 9-10, 2006 meeting with the corrections noted.

The board reviewed the minutes from the March 28, 2006 teleconference.

On a motion duly made by Mr. Altland, seconded by Mr. Givens, and approved unanimously, it was

RESOLVED to approve the minutes of the March 28, 2006 teleconference.

Mr. Givens left at 1:10 p.m. and returned at 1:19 p.m.

Agenda Item 2 **Board Member Orientation**

Ms. Bueler welcomed Richard Holm, R. Ph., to the board as the new board member. Items discussed were; process for mail ballots, travel, board meetings, teleconferences and the open meetings act.

Agenda Item 5 **Goals and Objectives**

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 their affiliation with NABP and send one board member to the District VII NABP meeting and two members to the annual NABP meeting. The Division's budget currently allows one out-of-state travel per fiscal year; this is generally used for attendance at the District VII NABP meeting.

8. The board will continue to evaluate the need for regulations specific to facility activities (i.e.; retail pharmacies, drug rooms institutional pharmacies, home infusion pharmacies, nuclear pharmacies, remote sites, sterile products, etc.).

9. The board will continue to evaluate regulations regarding the electronic transmission of prescriptions.

10. The board will continue to evaluate regulations regarding collaborative practice and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.

11. The board will assess and evaluate the growing public concern regarding abuse of prescription drugs.

Gary Givens asked the board if they would like to discuss adding wholesale distributor licensing to the goals. Ms. Bueler stated that perhaps at the next meeting the board could review the goals and objectives and amend as needed.

Agenda Item 18 **<u>License Application Review</u>**

The board reviewed the license application for Mahdi Cezar, R. Ph. The board reviewed the application at the February 9-10, 2006 board meeting. The board voted to deny Mr. Cezar on the record, however the assistant attorney general in charge of the case would like the board to read on the record the specific reasons for denial along with the statute cited.

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

> **RESOLVED in accordance with the provision of AS 44.62.310(c)(2), to go into executive session for the purpose of discussing the license application file for Mahdi Cezar.**

Board members and staff to be present during executive session.

Off the record at 1:25 p.m.
On the record at 1:48 p.m.

Ms. Mundell stated for the record the reasons for license denial. In accordance with the disciplinary sanctions in Alaska Statute 08.80.261, the board denied the license application for the following reasons: 08.80.261(1), failure to provide information regarding current and prior discipline on his application for licensure for the state of Illinois in 1993; 08.80.261(2), in 1989 he used a prescriber's name to prescribe legend drugs without the prescriber's authorization; 08.80.261(7)(E), include repeat offenses in several states, and his inability to provide proper and positive rehabilitation for his offenses, questioning safety and his competence in performing his work as a pharmacist; 08.80.261(4)(11), prescribing medication without prescriptive authority and self medication; 08.80.261(14), self medication, deceit, inability to discern right from wrong, and not providing accurate information on applications and forms.

Agenda Item 6 **Investigative Report**

Rick Younkins, chief investigator, joined the meeting for the investigator's report. Mr. Younkins reviewed the open and closed cases.

Mr. Younkins reviewed two cases for license surrender and one case in which the investigator has been unable to contact the licensee. The licensee was arrested in February for drug diversion. Mr. Younkins stated that if the investigator is unable to contact the licensee after one more attempt, they would file an accusation. If the person did not respond to the accusation, they would bring to the board a default action.

The board discussed case #2602-06-001, and #2606-06-002, both regarding pharmacy technicians charged with diverting drugs from the facilities where they worked.

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

> **RESOLVED to accept the license surrender of Pharmacy Technician license #1612, Case # 2606-06-001.**

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

> **RESOLVED to accept the license surrender of Pharmacy Technician license #1860, Case #2606-06-002.**

For the record, pharmacy technician license #1612 is held by Michael Helms, and license #1860 is held by Mallory Dahl.

Mr. Younkins discussed with the board a letter from the Department of Health and Human Services regarding pharmacist Douglas Bartko. Mr. Bartko is being excluded from participation in the Medicare, Medicaid, and all Federal health care programs resulting from a conviction of a criminal offense related to the delivery of an item or service under the Medicare or State health care program.

They have requested that the board take action against Mr. Bartko's pharmacist license in accordance with state law. Mr. Younkins noted that Mr. Bartko surrendered his pharmacy license. The investigators have made several attempts to contact Mr. Bartko to obtain his signature on an MOA. He further noted that they would make one more attempt to contact Mr. Bartko. If Mr. Bartko does not respond, they will submit a formal accusation to the attorney general. If an accusation is filed and Mr. Bartko does not respond, the investigator would ask the board to revoke his license as a default. Mr. Younkins informed the board that both the MOA and the Pharmacy License Surrender documents were delivered to Mr. Bartko's attorney. Mr. Bartko signed the Surrender for his pharmacy license but would not address the MOA for his pharmacist license.

Mr. Younkins discussed the Memorandum of Agreement with David Swanson. Guy Patterson, Mr. Swanson's counselor, submitted a letter to Mr. Younkins requesting Mr. Swanson's monitoring be changed from monthly to quarterly. Mr. Younkins noted that the MOA will expire October 2006. Mr. Swanson has met all of the requirements for random testing and noted that he had been timely in submitting the quarterly reports. Mr. Younkins recommended that the board consider the change from monthly reports to quarterly reports for the remainder of the probationary period. He further noted that though the MOA is in effect for an additional short period of time, he said that it would be important for Mr. Swanson to complete the probationary period.

On a motion duly made by Mr. Givens, seconded by Mr. Altland and approved unanimously, it was

> **RESOLVED to change the reporting requirements from monthly to quarterly for the remainder of the probationary period for David Swanson.**

Break- Off the record at 2:25 p.m.
On the record at 2:37 p.m.

Agenda Item 7 **Regulations**

The board reviewed the proposed regulation project. Ms. Zinn noted that there was a change to the proposed regulations included in the board packet. Ms. Zinn stated that the new version was passed out to board members before the meeting. The new version on page 8 would add, "within 15 days of completion or termination on an internship in the practice of pharmacy as required under 12 AAC 52.080(a)" to 12 AAC 52.220(d). The board discussed the new version and decided to change the 15 day requirement to a 30 day requirement to give the intern more time to complete the form. The board decided to change 12 AAC 52.325(a) by moving "during the concluding licensing period" to the end of the sentence. The regulation would read "Except as provided in (c) of this section, an applicant for renewal of a pharmacy technician license shall certify having completed 10 contact hours of continuing education accepted by the board under 12 AAC 52.340 or must have obtained certification as a pharmacy technician by

the Pharmacy Technician Certification Board (PTCB) during the concluding licensing period.

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

> **RESOLVED to send the proposed regulation project to the regulation specialist for public comment including; 12 AAC 52.020(b), 12 AAC 52.030(a)(3), 12 AAC 52.040(a), 12 AAC 52.050(a)(4), 12 AAC 52.075, 12 AAC 52.080(a), 12 AAC 52.100(a)(7), 12 AAC 52.110(a)(5), 12 AAC 52.120(b)(4), 12 AAC 52.120(b), 12 AAC 52.120(c), 12 AAC 52.125, 12 AAC 52.135, 12 AAC 52.140(b)(2), 12 AAC 52.220(d) changing 15 days to 30 days, 12 AAC 52.325(a) moving "during the concluding licensing period" to the end of the sentence, 12 AAC 52.325(c), 12 AAC 52.350(e)(5), 12 AAC 52.350(e)(7), 12 AAC 52.610, 12 AAC 42.710, 12 AAC 52.800(a).**

The board discussed the new Medical Board regulation regarding cooperative practice between a physician and a pharmacist. Ms. Zinn noted the regulation was adopted at the last Medical Board meeting.

Agenda Item 8 **Legislative Update**

The board discussed current legislation that would impact pharmacists.

HB 149- Ms. Zinn said that the House of Representatives had voted against the bill. She further noted that the governor wants the bill passed this session and the bill would probably be revisited.

HB 453, HB 455- Mr. Holm noted that Representative Guttenberg would like to discuss the bills with him over the summer. The legislation would require a pharmacist to substitute a generic drug for cost-effective purposes, unless the prescriber states on the prescription drug order "dispense only as written".

HB467- Ms. Zinn noted that the bill had changed since the Board of Pharmacy submitted the letter to the legislature stating it would not support the bill. Ms. Bueler stated that the new version of the bill would not require a nurse to administer a prescribed remedy or dietary supplement to a patient as the original bill stated. She further stated that with the changes, she would not oppose it. The board's concern was potential interactions with prescribed therapeutic medicine that is well documented in pharmacy literature and not necessarily familiar to prescribers.

Agenda Item 9 **Alaska Pharmacist Assocation Report**

Nancy Davis joined the meeting for the AkPha report. Ms. Davis discussed the Continuing education listed in the report for the year including the AkPha Convention of February 10-12, 2006.

- Biennial certificates will be printed May 15th. Members should receive the certificates by May 30th.
- The legislative update included sending a Resolution to Governor Murkowski to extend state coverage of prescription drug for dual eligibles through March 31, 2006 and a letter sent to the states Congressional Delegation with a copy of Medicare Part D Survey.
- Combat Methamphetamine Epidemic Act of 2005. Ms. Davis noted the significant requirements of the act which became final March 9, 2006.
- AkPha Political Action Committee currently has a balance of $500.
- Pharmacy based immunization delivery training is scheduled for September 22nd in Anchorage.
- AkPha Board retreat is scheduled for April 29th.
- Membership drive recruited 19 pharmacists and 2 technicians as new members.

Agenda Item 10 **NABP Update**

The board discussed the MPJE writing workshop. It was determined that none of the board members would be available to attend the national meeting in Chicago. The board decided to divide the required 30 questions among the five pharmacist board members. Each board member would write six questions each and Mr. Givens would forward the questions to the NABP by June 23, 2006.

The board recessed at 4:15 p.m. until Friday at 9:00 a.m.

Friday April 28, 2006

Call to Order/Roll Call

The meeting was called to order by Cindy Bueler, Chair, April 28, 2006, at 9:02 a.m. Those present constituting a quorum of the board were:

Cindy Bueler, R. Ph.
William Altland, R. Ph.
Gary Givens, R. Ph.
Richard Holm, R. Ph.
Mary Mundell, R. Ph.
Leona Oberts

Michael Pauley was not present at the meeting.

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

Sher Zinn, Licensing Examiner

Visitors present were:

Gayle Horetski, Assistant Attorney General (Agenda Item12)
Stacy Allen
Jim Holo
Lis Houchen
Josh Bolin (Agenda Item 12)

Agenda Item 11 **Review Agenda**

The board reviewed the agenda. Public comment period would be moved to 1:00 p.m. Ms. Bueler noted that Ron Miller would not be available to participate under agenda item 16, New Business.

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

RESOLVED to approve the agenda as noted.

Ms. Bueler asked the board if they had questions for Gayle Horetski before the Wholesale Distributor regulation discussion. Mr. Altland asked Ms. Horetski if there was an update on the Attorney General opinion regarding licensing of pharmacies and pharmacists in Native Health facilities. The Board of Pharmacy asked for a formal opinion on the matter at the April 2004 board meeting. Ms. Horetski stated that she had completed her draft of the opinion and forwarded it to the opinion and appeals section. Ms. Horetski noted that she is occasionally in contact with the office to get a status on the opinion. As of this date the opinion

had not been completed. Ms. Horetski explained to the board that any appeal or opinion must go through that section of the AG office. Mr. Altland stated that he had received further information of a decision involving the Pequot tribe in Connecticut. The decision allows the tribe to provide pharmacy services to non-indian employees. Mr. Altland asked Ms. Horetski if the information would be helpful and should it be forwarded to the attorneys working on the opinion. Ms. Horetski stated she could forward a copy to the attorneys but was not sure it was relevant to the opinion. Mr. Altland said he believed the decision was important because the purpose of the Board of Pharmacy is to protect the public. If Native facilities are allowed to offer pharmacy services to non-native employees and their families, would the board have jurisdiction over the Native facilities? Mr. Altland noted the letter the board received from the Native Coalition. The letter stated the coalition does not believe Native facilities have to be licensed by the state. In essence, how is the board to protect the public if they have no jurisdiction over Native Health facilities? Mr. Altland stated he would like to know if the pharmacists in Connecticut working for the Pequot tribe who provide services to non-indian employees, are licensed in Connecticut. Mr. Givens noted that he as an IHS employee, does not need to be licensed in Alaska. He may work in the IHS hospital but he could not work in another pharmacy such as Wal-Mart. Ms. Mundell stated the question is, how can a person who provides pharmacy services at a Native facility to someone who is not a beneficiary, not have to be licensed by the state if they have to be licensed at a non-native facility or pharmacy if they provide services to the same person? Mr. Givens stated “it is complicated, but gets back to the services that facility may provide”. The services provided are determined by the agreement between the tribes and the Health Service. Ms. Horetski stated that why this can be a confusing situation is that you are dealing with federal law issues and state law issues. The Indian Health Service and the contracts with the Native healthcare providers are established as a matter of federal law. The class of persons who are eligible to receive the services are determined based on federal law. The federal statute draws a circle around the pool of people who can receive services. She further noted “it is not a state issue”. The statute includes people who are non-native. “There is no question regarding direct federal employees, however you get into the question of contractors who are not direct federal employees. That is the area in which an opinion from the AG’s office would be helpful to the board. The AG’s office can’t change the scope of federal law. We can’t change who is in or outside that pool, but the application of state pharmacy laws within the State of Alaska is a state law issue.” Ms. Horetski stated the opinion would focus on the state law issue.

In further discussion with Ms. Horetski, Ms. Bueler noted at the last board meeting, the board was considering a technician pilot program. The pilot program would allow a technician to do a duty that they currently are not allowed to do. The program would allow under certain settings only, a technician to do that particular duty. Ms. Bueler stated that the board was informed by the division that unless the current regulation allowed the technician to do that particular duty, the board could not approve a pilot project unless it was covered in the regulations. Ms. Horetski stated that the board would have to amend the regulations to allow for it. The board cannot make an exception to a regulation.

Agenda Item 12 **Wholesale Distributor Regulation Discussion**

Joshua Bolin, Board Liaison from the NABP joined the discussion. Mr. Bolin gave a presentation titled "Legislative Update: Challenges Facing the US Medication System: Wholesale Distributor Licensing". The board is considering licensing out-of-state wholesale distributors and had requested the NABP to help draft regulations. Mr. Bolin started with his presentation then discussed with the board the proposed regulations he had drafted. Mr. Bolin incorporated the NABP's current Model Rules for Wholesale Distributors with the current Board of Pharmacy's wholesale distributor licensing regulations.

The presentation highlighted the concern of the increase in recent years of counterfeit drug cases opened by the FDA. Mr. Bolin noted that according to the World Health Organization, 22% of prescription drugs in industrialized countries are counterfeit. Developing countries have an estimated 78% counterfeit rate. According to a report by the Centre for Medicines in the Public Interest, counterfeit drug sales in the United States are projected to reach $75 billion in the year 2010, a 92% increase from 2005. In October 2004, over 60 boxes of flu vaccine were stolen from a Colorado pediatric medical office. The FDA would not know where the flu vaccines would show up, or what would happen to them before being used. Ninety percent of the transactions are from the manufacturer to the wholesaler to the retailer, considered normal distribution. Counterfeit and diverted drugs are introduced into the drug distribution system by moving from the manufacturer to a wholesaler to a re-packager, to another re-packager back to a wholesaler, basically circling the distribution channels. If those types of transactions are going to be allowed to happen, then there would have to be a 'pedigree' to track the path of the drug. The greater number of entities that handle the drug, brings greater risk of a counterfeit being introduced. Mr. Bolin highlighted the FDA seizure of prescription drugs from distributors. Some of the drugs included HIV and cancer drugs. Mr. Bolin referenced the book titled "Dangerous Doses" by Katherine Eban. The book details specific instances of counterfeiting which have taken place in the United States and provides a good overview of the counterfeit industry.

Mr. Bolin noted that typically, States Boards of Pharmacy are responsible for licensing of facilities and wholesale distributors. Only 5 states currently do not license out-of-state wholesale distributors including Alaska, Hawaii, Massachusetts, Pennsylvania and Utah. Pennsylvania and Utah are currently working on legislation and regulations for licensure of wholesale distributors. He further noted that they would incorporate the NABP model rules into the process. States that do not license out-of-state wholesale distributors are more susceptible and have no recourse if counterfeit drugs are shipped into the state. In 2003, the NABP convened a task force on counterfeit drugs that led to the revision of the Model Rules. The Model Rules have been revised since then and are currently in another revision process. Industry is in agreement with approximately 90% of the legislation including the requirement of a pedigree, increase of criminal penalties, licensing and potential accreditation. The ultimate goal is to obtain uniformity by states using the Model Rules. The VAWD accreditation program was started at the request of member boards that did not

have the resources to do it effectively. The VAWD accreditation process includes application of the facility, verification of licensing along with any disciplinary action, policy and procedure evaluation and facility inspections. Mr. Bolin defined a 'pedigree' as a document recording each distribution of a given prescription drug, from sale by a manufacturer until the final sale to a pharmacy or other person administering or dispensing the drug. He stated that the FDA had a pedigree requirement but had stayed the implementation of the requirement for about 19 years. Some states have implemented their own systems because the FDA had failed to do so. Mr. Bolin noted the FDA would release a statement next month that would create more guidelines for implementation of a pedigree system. The NABP convened a task force to develop recommendations on an electronic pedigree. Thirteen states have already enacted legislation for wholesale distribution. Twenty to 25 states are currently working on legislation or regulations to address the counterfeit drug issue.

Mr. Holm asked if there was a problem with reverse distribution leaving a back door open to counterfeiting. Mr. Bolin noted that outdated or damaged goods are not a problem, as long as they are returned to a reputable return service that destroys them. Some states regulate reverse distributors and that would be the next step after licensing of out-of-state wholesale distributors. The FDA strictly regulates manufacturers in this country.

Break- Off the record at 10:18 a.m.
On the record at 10:33 a.m.

Gayle Horetski joined the regulating of wholesale distributors discussion. After the last board meeting, the board requested the NABP to incorporate the NABP Model Rules into the existing Alaska Wholesale Distributor licensing regulations to assist the board in pursuing regulation of out-of-state wholesale distributors. Mr. Bolin outlined the proposed regulation that he drafted for the Board of Pharmacy. Mr. Bolin noted that he incorporated everything in the new model rules into the existing regulations that were not already in the regulation. He also noted that he had not looked at specific statutory authority and mentioned that the board may need to pursue the correct statutory authority before implementing the regulations. Mr. Bolin stated he did not incorporate "increased criminal penalties" into the regulations stating that some boards have them in place in a criminal code, while other boards have them in the pharmacy statutes. The definitions for "normal distribution channel" and "pedigree" were specifically highlighted. Mr. Bolin stated any shipment outside of the normal distribution channel would require a pedigree. A pedigree would start out as a paper trail of where the drug originates from until it reaches the pharmacy, until an electronic tracking system could be put into place with FDA approval.

Ms. Horetski noted that the board should look at the broader current statutory authority given to the board by the state legislature. The current statutes does not give the board specific authority to regulate out-of-state wholesalers. It is in contrast to 08.80.158 that gives the statutory authority to require registration of out-of-state pharmacies. The board has broad general authority under the 1996

revision of the statutes given by the legislature. The board has broad authority under 08.80.030 (b)(10) to regulate wholesale manufacturers and distributors, but is not specific to out-of-state. Ms. Horetski further noted that the legislature put out-of-state in 08.80.158 but not in 08.80.030. Ms. Horetski stated that the board would not have authority to impose criminal penalties as noted earlier by Mr. Bolin. Ms. Horetski recommended to the board that they seek legislation along the lines of the model rules if the board wishes to pursue regulation of out-of-state wholesale distributors. The board may adopt some regulations but cautioned the board that they may be challenged in court without the specific statutory authority. Therefore it would be better to seek legislation. Ms. Horetski also noted there is a federal law regulating interstate commerce. A case was outlined regarding a Michigan wholesaler that challenged an Ohio licensing law. Initially the regulation was struck down in a lower court but was upheld by a higher court. The court looked to see if the law would impose a significant burden on the wholesaler and determined that the Ohio law was not any more stringent than the Michigan law. Ms. Mundell disagreed with Ms. Horetski and noted that she felt the board had authority under 08.80.157, licensing of facilities, which states, “a facility engaged in the practice of pharmacy or in the manufacture, production, or wholesale distribution of drugs or devices, and a pharmacy where drugs or devices are dispensed, shall be licensed by the board, and shall renew the license at intervals determined by the board”. Mr. Horetski noted she did not disagree, but that someone located in Ohio may disagree saying they are not in Alaska therefore Alaska has no authority over them. She further noted there is an argument for adopting regulations, but it is not specific. The legislature could give them specific authority as they did for regulating of out-of-state pharmacies. Mr. Altland asked Ms. Horetski if the board could start the regulation process at the same time the board would seek the legislation. Ms. Horetski stated the board could do that but would recommend legislation and noted the AG office would assist the board in anyway that was needed.

The discussion turned to the RFID (Radio Frequency Identification) system for a pedigree and putting a date in the regulations when the system would be put into place. If the board puts a date in the regulations when the system was to be in place, if the technology was not available to all at that point, could the board change the date? Ms. Horetski noted that regulations could always be amended but the problem is how long the process takes. The regulations could take too long therefore the only option would be an emergency regulation to make sure the date was changed in the appropriate amount of time. Ms. Bueler stated that the board would not have to put a date into the regulation at this time, but wait until the FDA had announced a specific date.

Ms. Horetski asked Mr. Bolin how many states chose to pursue legislation for licensing of out-of-state wholesale distributors. Mr. Bolin stated some states have used a general statute for rules or regulations, but the majority of states used legislation.

Lunch Break-Off the record at 11:35 a.m.
On the record at 12:40 p.m.

Ms. Bueler asked the board how they would like to pursue licensing of wholesale distributors. It was decided the board would through the Department, pursue legislation and regulations simultaneously. The board also decided they would include in-state wholesalers in the new regulation process but would not include medical gas suppliers. The board would perhaps make a new license for home medical care and devices to include medical gas suppliers. The board determined they would each look over the draft regulations and make notations or changes before the next meeting in September. At the next meeting, they would use half of a day to review the regulations and make any necessary changes. The meeting would then be increased to a full two day meeting to accommodate the extra time required for the review.

Agenda Item 13 **Public Comment**

Lis Houchen representing the National Association of Chain Drug Stores spoke. Ms. Houchen informed the board that NACDS would help the board in anyway they could including research. Ms. Houchen stated that the NACDS is asking boards when considering accreditation for licensing of out-of-state wholesale distributors, to add language that would allow VAWD or any other board approved accreditation program. That would give the board the flexibility to approve a private or other accreditation program if it were to become available. Ms. Houchen noted an example that now there is more than one pharmacy technician certification program which has improved the cost and the process to become a certified technician. She stated that Washington approves the technician training programs. Ms. Bueler asked if Washington no longer had two levels of technicians. Ms. Houchen stated that Washington now has a technician license and a pharmacy assistant license. The technician does the non-discretionary functions under the supervision of the pharmacist. The pharmacy assistant does the clerical work. She noted that they are working with the state of Oregon for training of technicians. Oregon will soon require certification of technicians.

Ms. Bueler reviewed the letter from John McGilvray, Chair, UAA Pharmacy Technology Advisory Board. Mr. McGilvray noted in the letter that the UAA Pharmacy Technology Advisory Board believes that the Alaska Board of Pharmacy should recognize a combination of technician training programs to create an advanced pharmacy technician license. The letter also expressed concerns regarding a pilot project which would allow pharmacy technicians to do final checks on refilled prescriptions. Mr. McGilvray noted that although the Advisory board may sympathize with the economic factors that are driving the request, they felt it was very important for pharmacists to continue to do the final checks due to too many other considerations.

Agenda Item 14 **Division Updates**

Ms. Zinn reviewed the budget report. It was noted the direct contractual service expenses reflect Gayle Horetski's time spent drafting the Attorney General's opinion that was requested by the board.

Agenda Item15 **Correspondence**

The following correspondence was reviewed by the board:

NABP-April 3, 2003-Committee on Law Enforcement/Legislation-For information only, no action required.

NABP-March 10, 2006-Task Force on Model Regulations for Long Term Care-For information, no action required.

NABP-March 17, 2006-Task Force on Standards for Compounding-For information only, no action required.

NABP-March 3, 2006-release of ACPE's Revised PharmD Standards-For information only, no action required.

NABP-February 24, 2006-Prescription Drug Repository Program Survey Results-For information only, no action required.

NABP-February 12, 2006-Technician Certification Examinations-For information only, no action required.

NABP-April 7, 2006-Revision of Model Rules for the Licensure of Wholesale Distributors; Surety Bond Language-For information only, no action required.

NABP-April 21, 2006-Resolutions Passed and Defeated at NABP's 102nd Annual Meeting-For information only, no action required.

NABP-April 21, 2006-International Online Pharmacy Links to Verified Internet Pharmacy Practice Sites (VIPPS)-For information only, no action required.

Island Pharmacy-March 26, 2006-Report of Theft or Loss of Controlled Substances-For information only, no action required.

SEARHC Medical Center Pharmacy-March 13, 2006-Report of Theft or Loss of Controlled Substances-For information only, no action required.

Chief Andrew Isaac Health Center-February 24, 2006- Report of Theft or Loss of Controlled Substances-For information only, no action required.

Chief Andrew Isaac Health Center-February 24, 2006- Report of Theft or Loss of Controlled Substances-For information only, no action required.

Chief Andrew Isaac Health Center-February 24, 2006- Report of Theft or Loss of Controlled Substances-For information only, no action required.

EXCPT-April 5, 2006-Pharmacy Technician Exam Certification-For information only, no action required.

Doctors Foster & Smith-March 24, 2006-Non Licensed Mail Order Pharmacy-For information only, no action required.

PTCB-February 23, 2006-PTCB Update and 2005 Practice Analysis Study Results-For information only, no action required.

Micromedex-April 10, 2006-Change of the USP-Board will need to take out the USP DI reference in Appendix B of the regulations during the next regulation update.

USW-April 18, 2006-Medco Health Solutions, Las Vegas, NV-For information only, no action required.

John McGilvray, R. Ph., UAA Pharmacy Technolgoy Advisory Board-April 21, 2006-For information only, no action required.

John Krenek, APA-C-Board Opinion-April 26, 2006-Ms. Bueler will write a letter in response. The board decided that the practitioners should have a drug cabinet in their office, and have an emergency drug box outside of the pharmacy to dispense from after hours. Mr. Altland noted that he has offered his pharmacy for after hours emergencies to the practitioners of Alicia Roberts Medical Center.

Agenda Item 16 **New Business**

The board discussed the new Combat Methamphetamine Epidemic Act of 2005 and the changes required by the new Federal law.

Ron Miller was not available to attend the meeting to discuss the pilot project he had asked the board to consider. The board decided to discuss pilot projects at a later meeting.

Agenda Item 18 **Licensing**

Ms. Zinn reviewed the draft pharmacy renewal forms and the new remote pharmacy license application. Ms. Zinn asked the board if they preferred to have the continuing education listed on the forms, or take the information off. The board decided the random CE audit would suffice and the list of continuing education would be removed from the renewal forms.

For clarification purposes, Ms. Zinn asked the board if a remote pharmacy should be owned by the central pharmacy, or if the remote pharmacy could be owned by another entity. After discussion, the board determined that a remote pharmacy may be owned by the central pharmacy or by another entity. Ms. Zinn noted that the application would have to be changed to reflect the ownership information of the remote pharmacy.

Break- Off the record at 2:37 p.m.
On the record at 2:49 p.m.

Agenda Item 16 **New Business**

Jim Holo from I-Care Pharmacy and Stacy Allen, RN from Laborers Local 341 joined the meeting to listen to Ron Miller's presentation to the board regarding the technician pilot project. Ms. Allen noted the Laborers Union Local 341 represent the pharmacists at Carrs. They both expressed concern regarding the project. Concerns included dispensing errors, and who would be liable for any errors. Ms. Allen also noted that she was concerned that the technicians would not receive the appropriate education or training since the level of education would be determined by the employer and not by the board. Ms. Bueler informed Mr. Holo and Ms. Allen that the board would not approve a pilot project until a regulation had been adopted allowing for such projects.

The board confirmed the meeting for September 28-29, 2006, changing the meeting to a full two days. The winter meeting would be held in conjunction with the Alaska Pharmacists Association in March. The spring meeting would be held the beginning of May.

Agenda Item 18 **Licensing**

The board reviewed the license applications.

On a motion duly made by Mr. Givens, seconded by Mr. Holm and approved unanimously, it was

RESOLVED to approve the following license applications as read into the record:

Greatland Infusion Pharmacy-Retail Pharmacy
Whale Tail Pharmacy, LLC-Retail Pharmacy
Delta Industrial Services, Inc.-Wholesale Distributor, pending Department of Public Safety report.
Gale Berkey-Pharmacist, pending passing MPJE score.
Laurie Weldon-Pharmacist, pending $250 license fee, passing MPJE score.

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

RESOLVED to approve the following collaborative practice agreements as read into the record:

Carrs Pharmacy #1808, License #400, Emergency Contraception
Carrs Pharmacy #1808, License #400, Emergency Contraception
Carrs Pharmacy #1812, License #323, Emergency Contraception
Carrs Pharmacy #2628, License #381, Emergency Contraception
Carrs Pharmacy #1807, License #318, Emergency Contraception
Safeway Pharmacy #3410, License #357, Emergency Contraception
Safeway Pharmacy #1832, License #401, Emergency Contraception

Chief Andrew Isaac Health Center, License #156, Emergency Contraception
Fred Meyer #071, License #388, Emergency Contraception, renewal

The board chair signed the minutes from the February 9-10, 2006 meeting and the March 28, 2006 teleconference. The wall certificates were signed by the chair and secretary.

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

RESOLVED to adjourn the meeting of the Alaska State Board of Pharmacy.

The meeting adjourned at 3:52 p.m.

Respectfully Submitted:

_____
Sher Zinn

Approved:

_____
Cindy Bueler, R. Ph., Chair
Alaska Board of Pharmacy

Date:_____