

Byron Mallott
Lieutenant Governor
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Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely of Scott Meriwether.

DATE: May 9, 2018

RE: Filed Permanent Regulations: Board of Pharmacy

Board of Pharmacy regulations re: prescription drug monitoring program (PDMP)
controlled substance prescription database (12 AAC 52.855 - 12 AAC 52.890; 12 AAC
52.920(a)(22); 12 AAC 52.995)

Attorney General File:	2018200042
Regulation Filed:	5/8/2018
Effective Date:	6/7/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached eight pages of regulations, dealing with prescription drug monitoring program (PDMP) controlled substance prescription database, are hereby certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its February 28 – March 1–2, 2018 meeting, under the authority of AS 08.01.075, AS 08.80.005, AS 08.80.030, AS 08.80.157, AS 08.80.261, AS 08.80.315, AS 08.80.460, AS 11.71.900, and AS 17.30.200 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Pharmacy paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 03/02/2018
Juneau, Alaska



Leif Holm, PharmD., Chair
Board of Pharmacy

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 8, 2018 at 830 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

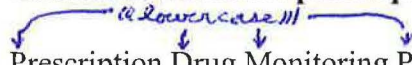
Effective: June 7, 2018.

Register: 226, July 2018.

Chapter 52. Board of Pharmacy.

12 AAC 52.855 is repealed and readopted to read:

12 AAC 52.855. Registration with the prescription drug monitoring program

controlled substance prescription database. (a) A licensed pharmacist shall register with the

Prescription Drug Monitoring Program's controlled substance prescription database (PDMP)

before dispensing a schedule II, III, or IV controlled substance under federal law.

(b) Before dispensing, prescribing, or administering a schedule II, III, or IV controlled substance under federal law, a pharmacist or practitioner required to register with the PDMP must

(1) register online on the PDMP website; and

(2) pay the fee established in 12 AAC 02.107.

(c) After completing the registration requirements, a pharmacist or practitioner required to register with the PDMP will be issued a user account, login name, and password by the department.

(d) A pharmacist or practitioner required to register with the PDMP must access information in the PDMP using the user account, login name, and password issued by the department.

(e) A pharmacist or practitioner required to register with the PDMP may access information in the PDMP using another registrant's credentials only as authorized by a contract executed by the department for the purposes of AS 47.05.270. (Eff. 12/29/2011, Register 200; am
6/7/2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.860 is repealed and readopted to read:

12 AAC 52.860. Access to and conditions for use of the prescription drug monitoring

program database. (a) Access to the PDMP is limited as described in AS 17.30.200(d).

(b) For the purposes ⁱⁿ of AS 17.30.200(d)(1) ^{of an inquiry under a search warrant, subpoena, or order issued by an administrative law judge or a court,}

(1) "personnel of ^{the} this board" means employees of the Department of Commerce,

Community, and Economic Development assigned to the Board of Pharmacy; and

(2) "personnel of another board or agency" means an employee of ^{this} the state ^{who is} of

^{or agency} ^{a practitioner} Alaska assigned to a board that requires ~~licensees~~ to register with the PDMP ^{or an agency}

~~identified in a search warrant, subpoena, or order issued by an administrative law judge or a court.~~

(c) For the purposes of AS 17.30.200(d)(2), "authorized board personnel or contractors"

means:

(1) employees of the Department of Commerce, Community, and Economic ^{and providing PDMP data storage or data management services} Development assigned to the Board of Pharmacy; or

(2) employees of a ~~state~~ contractor ^{with this state who are} providing PDMP data storage or data

management services.

(d) For the purposes of AS 17.30.200(d)(3) and (4), a licensed practitioner or licensed or registered pharmacist authorizing an ^{agent} agent or employee ^{to} to access the PDMP is responsible for maintaining and terminating the agent or employee's access to the PDMP.

(e) For the purposes of AS 17.30.200(d)(8) and (10), "authorized employee of the Department of Health and Social Services" means an employee of the Department of Health and Social Services (DHSS) for whom ^{that department's} the DHSS commissioner or commissioner's official designee ^{before} has requested access in writing to the board ~~prior to~~ the release of information. (Eff. 12/29/2011,

Register 200; am 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.865 is repealed and readopted to read:

12 AAC 52.865. Reporting and reviewing PDMP information. (a) Unless excused from reporting under AS 17.30.200(u), a pharmacist must submit information required under AS 17.30.200(b) ~~must be submitted by a pharmacist~~ if the pharmacist-in-charge is not present.

(b) Unless excused from reporting under AS 17.30.200(u), a pharmacist or practitioner required to submit information under AS 17.30.200(b) must submit the information to the ~~Alaska Prescription Drug Monitoring Program (PDMP)~~ Alaska daily as of the previous submission date.

(c) The time computation under 12 AAC 02.920(b) applies to a submission of information under AS 17.30.200(b) and this section.

(d) For the purposes of AS 17.30.200(b)(¹§), "other appropriate identifier" and "other appropriate identifying information" means the state ²issued license number of the prescribing practitioner ³and the dispensing pharmacist or practitioner. for the purposes of AS 17.30.200(b)(8),

Not later than (e) after ~~Within~~ 72 hours of discovering an error in information submitted under AS 17.30.200(b), a pharmacist or practitioner required to submit the information under AS 17.30.200(b) must submit information correcting the error to the PDMP administrator. The time computation under 12 AAC 02.920(b) applies to a submission of information correcting an error in information submitted under AS 17.30.200(b).

(f) Unless excused from reporting under AS 17.30.200(u), or a waiver is granted under 12 AAC 52.870, a pharmacist or practitioner required to submit information under AS 17.30.200(b) must submit the information to the PDMP electronically through the website provided by the board.

(g) Unless excused from reviewing the PDMP under AS 17.30.200(k)(4)(A) – (B), a

practitioner, but not a pharmacist, must review the information in the PDMP to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law. (Eff. 12/29/2011, Register 200; am 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.870 is amended to read:

12 AAC 52.870. Waiver of electronic submission requirement by pharmacist or practitioner [DISPENSER]. (a) The department shall waive the electronic submission requirements of 12 AAC 52.865^(f) [12 AAC 52.865(b)] for good cause. The pharmacist or practitioner [DISPENSER] requesting the waiver is responsible for establishing the basis for the requested waiver under this section.

(b) To establish good cause for purposes of this section, a pharmacist or practitioner [DISPENSER] must submit an application and sworn statement showing that

(1) a natural disaster or other emergency beyond the control of the pharmacist or practitioner [DISPENSER] prevents the pharmacist or practitioner [DISPENSER] from complying with 12 AAC 52.865^(f) [12 AAC 52.865(b)];

(2) the pharmacist or practitioner [DISPENSER] will only dispense controlled substances as part of a controlled research project approved by an accredited institution of higher education or under the supervision of a government agency;

(3) ~~repealed~~ [THE DISPENSER WILL DISPENSE NINE OR FEWER PRESCRIPTIONS OF CONTROLLED SUBSTANCES A MONTH];

(4) the pharmacist's or practitioner's [DISPENSER'S] business is located in an area that lacks access to the telecommunication services needed to comply with

12 AAC 52.865(c) [12 AAC 52.865(b)]; or

(4) [(5)] the pharmacist or practitioner [DISPENSER] will suffer financial hardship if required to acquire the technology necessary to comply with 12 AAC 52.865(e) [12 AAC 52.865(b)].

(c) The department may not grant a waiver under this section unless the pharmacist or practitioner [DISPENSER] first agrees in writing that, if the waiver is granted, the pharmacist or practitioner [DISPENSER] will satisfy the reporting requirements of AS 17.30.200(b) by submitting the required information by United States mail to the board on at least a daily basis using a form approved by the board

[(1) THE PHARMACY UNIVERSAL CLAIMS FORM OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS; OR

(2) AN ALTERNATIVE FORM APPROVED BY THE BOARD AS PROVIDING SUBSTANTIALLY THE SAME INFORMATION AS THE FORM DESCRIBED IN (1) OF THIS SUBSECTION].

(d) A request for a waiver under this section must be in writing using an application form provided [PRESCRIBED] by the board and sent to the board.

(e) The department's grant or denial of a waiver request constitutes a final agency action unless, no later than 30 days after the department issues notice of the grant or denial, the pharmacist or practitioner [DISPENSER] files a written notice of appeal with the board.

(f) A waiver granted under this section expires at the end of the year in which it is granted.

(g) A pharmacist or practitioner must [DISPENSER SHALL] inform the board within 30 days if the basis for the waiver of electronic reporting no longer exists. (Eff. 12/29/2011, Register 200; am 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

The introductory language of 12 AAC 52.880(a) is amended to read:

(a) The board will maintain a register for patient profile requests solicited under [12 AAC 52.855(b) OR] 12 AAC 52.875. The register includes the following information:

...

12 AAC 52.880(a)(3) is amended to read:

(3) the name, title, [BUSINESS,] and address of the individual requesting the profile [AND, IF THE INDIVIDUAL IS A PRACTITIONER, THE PRACTITIONER'S CURRENT FEDERAL DRUG ENFORCEMENT ADMINISTRATION REGISTRATION NUMBER];

(Eff. 12/29/2011, Register 200; am 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52 is amended by adding a new section to read:

12 AAC 52.885. ^{cd}Purge database records. The following information will be purged from the PDMP database after two years have elapsed from the date the prescription was dispensed:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment;

(4) the name, address, and date of birth of the person for whom the prescription

was written;

- (5) the name and national drug code of the controlled substance;
- (6) the quantity and strength of the controlled substance dispensed;
- (7) the name of the drug outlet dispensing the controlled substance; and
- (8) the name of the pharmacist or practitioner dispensing the controlled substance

and other appropriate identifying information. (Eff. 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.890 is repealed and readopted to read:

12 AAC 52.890. Grounds for discipline. A violation of 12 AAC 52.855 – 52.885 by a pharmacist is grounds for the imposition of disciplinary sanctions under 52.885 AS 08.01.075 and AS 08.80.261. A violation of 12 AAC 52.855 – 12 AAC ~~52.890~~ by a practitioner not licensed by this board shall be reported to the practitioner's licensing board. (Eff. 12/29/2011, Register 200; am 6 / 7 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.920(a) is amended by adding a new paragraph to read: under AS 08.80.030 or AS 17.30.200

(22) violating AS 17.30.200 or a regulation adopted hereunder dealing with the PDMP.

(Eff. 1/16/98, Register 145; am 6 / 7 / 2018, Register 226)

Authority: AS 08.01.075 AS 08.80.261 AS 08.80.460
AS 08.80.005 AS 08.80.315 AS 17.30.200
AS 08.80.030

12 AAC 52.995 is amended by adding a new subsection to read:

(d) In AS 17.30.200, and 12 AAC 52.855 – 12 AAC 52.895, "practitioner" has the meaning given in AS 11.71.900. (Eff. 1/16/98, Register 145; am 5/5/2000, Register 154; am 11/10/2001, Register 160; am 8/21/2002, Register 163; am 2/15/2006, Register 177; am 8/12/2007, Register 183; am 9/11/2010, Register 195; am 12/29/2011, Register 200; am 8/1/2014, Register 211; am 6 / 7 / 2018, Register 226)

Authority:	AS 08.80.005	AS 08.80.157	<u>AS 17.30.200</u>
	AS 08.80.030	<u>AS 11.71.900</u>	<u>AS 17.30.900</u>

12 AAC 52.995(a) is amended by adding a new paragraph to read:

(36) "PDMP" means the prescription drug monitoring program's controlled substance prescription database.

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: May 4, 2018

File No.: 2018200042

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Pharmacy regulations re:
prescription drug monitoring program
(PDMP) controlled substance
prescription database (12 AAC
52.855 - 12 AAC 52.890; 12 AAC
52.920(a)(22); 12 AAC 52.995)

We have reviewed the attached regulations from the Board of Pharmacy against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated May 3, 2018 from the Regulations Attorney. The regulations update requirements regarding participation, enforcement, and discipline regarding the prescription drug monitoring program (PDMP) controlled substance prescription database under AS 17.30.200, particularly as amended under ch. 2, SSSLA 2017.

We find no legal problems. We note that submission of information to the database on at least a daily instead of a weekly basis does not take effect in AS 17.30.200(b) until July 1, 2018. See secs. 38 and 58, ch. 2, SSSLA 2017. Corresponding daily submission requirements in 12 AAC 52.865(b) and 12 AAC 52.870(c) are likely to take effect slightly earlier. We have advised the Department of Commerce, Community, and Economic Development staff to consult the assistant attorneys general who advise the department, if a question arises about enforcement of the daily submission requirements before July 1, 2018.

This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The January 11, 2018 public notice and the March 2, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: 2018200042

May 4, 2018
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Leif Holm, PharmD., Chair
Board of Pharmacy
(via e-mail through Jun Maiquis)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey McCullough, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Laura Carrillo
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: May 3, 2018

FILE NO.: 2018200042

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Board of Pharmacy regulations
regarding: prescription drug
monitoring program (PDMP)
controlled substance prescription
database (12 AAC 52.855 -
12 AAC 52.890; 12 AAC
52.920(a)(22); 12 AAC 52.995)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES RELATING TO THE PRESCRIPTION DRUG
MONITORING PROGRAM (PDMP) CONTROLLED SUBSTANCE PRESCRIPTION
DATABASE IN THE REGULATIONS OF THE BOARD OF PHARMACY**

BRIEF DESCRIPTION: The Board of Pharmacy proposes to update the regulations relating to prescription drug monitoring program controlled substance prescription database (PDMP) in accordance with AS 08.80.030 and AS 17.30.200, including registration, access and condition for use of the database, requirements for pharmacists and practitioners, waiver of electronic submission requirements by pharmacist or practitioner, reports, purging database records, grounds for discipline, disciplinary guidelines, and definitions, to implement amendments to AS 08.80 and AS 17.30 enacted under Chapter 25, SLA 2016 (SB 74) and Chapter 2, SSSLA 2017 (HB 159).

The Board of Pharmacy (Board) proposes to adopt regulation changes in Title 12, Chapter 52, of the Alaska Administrative Code including the following:

1. **12 AAC 52.855. Registration with the prescription drug monitoring program controlled substance prescription database**, is proposed to be changed to update the requirements for registration with the prescription drug monitoring program's controlled substance prescription database for pharmacists or practitioners.
2. **12 AAC 52.860. Access to and conditions for use of the prescription drug monitoring program database**, is proposed to be changed to clarify who may access the controlled substance prescription database under AS 17.30.200.
3. **12 AAC 52.865. Reporting and reviewing PDMP information**, is proposed to be amended to update the requirements for pharmacists and practitioners to report, and for practitioners to review, the controlled substance prescription database.
4. **12 AAC 52.870. Waiver of electronic submission requirement by pharmacist or practitioner**, is proposed to be changed to clarify who may utilize a waiver of the PDMP's electronic submission requirements, and how.
5. **12 AAC 52.880. Reports**, is proposed to be changed to correct a citation and amend the information maintained about requests from non-registered persons.
6. **12 AAC 52.885. Purge database records**, is a proposed new section that specifies what information will be purged from the PDMP and the timeline for each purge.
7. **12 AAC 52.890. Grounds for discipline**, is proposed to be changed to amend grounds for discipline and the reporting of violations related to the PDMP.
8. **12 AAC 52.920. Disciplinary guidelines**, is proposed to be changed to add a provision to include a violation of law relating to the PDMP.
9. **12 AAC 52.995. Definitions**, is proposed to be changed to specify the definition of practitioner in the PDMP regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/188354>, and using the comment link. **The comments must be received not later**

than 5:00 p.m. on February 15, 2018. Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofPharmacy.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than February 8, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/PHA-1217-PDMP.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.075; AS 08.80.005; AS 08.80.030; AS 08.80.157; AS 08.80.261; AS 08.80.315; AS 08.80.460; AS 11.71.900; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.075; AS 08.80.005; AS 08.80.030; AS 08.80.157; AS 08.80.261; AS 08.80.315; AS 08.80.460; AS 11.71.900; AS 17.30.200

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE:


1/10/18



Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Pharmacy – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Registration, access and condition for use of the database, requirements for pharmacists and practitioners, waiver of electronic submission requirements by pharmacist or practitioner, reports, purging database records, grounds for discipline, disciplinary guidelines, and definitions.
3. **Citation of regulation:** 12 AAC 52.855, 12 AAC 52.860, 12 AAC 52.865, 12 AAC 52.870, 12 AAC 52.880, 12 AAC 52.885, 12 AAC 52.890, 12 AAC 52.920, and 12 AAC 52.995.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statute, Chapter 25 SLA 2016 (SB 74) and Chapter 2, SSSLA 2017 (HB 159); Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$50 PDMP initial registration; \$50 PDMP registration renewal.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Laura Carrillo, Records and Licensing Supervisor
Alaska Board of Pharmacy
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1039
E-mail: laura.carrillo@alaska.gov
10. **The origin of the proposed action:** Board of Pharmacy.
11. **Date:** 1/10/18 **Prepared by:** 

Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 52.855, 12 AAC 52.860, 12 AAC 52.865, 12 AAC 52.870, 12 AAC 52.880, 12 AAC 52.885, 12 AAC 52.890, 12 AAC 52.920, and 12 AAC 52.995, dealing with prescription drug monitoring program (PDMP) controlled substance prescription database, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 3/16/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 16 day of March, 2018.




Notary Public in and for the
State of Alaska
My commission expires: 4/1/2019

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l} \text{) } \\ \text{) } \\ \text{) } \end{array} \right\} \text{SS.}$$

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Pharmacy has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Pharmacy regulations on dealing with prescription drug monitoring program (PDMP) controlled substance prescription database.

DATE:

Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of March, 2018.



Notary Public in and for the
State of Alaska *u*

My commission expires: 1-1-71

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AFFIDAVIT OF PUBLICATION

RECEIVED
Juneau

JAN 16 2018

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

Division of Corporations, Business
and Professional Licensing

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

January 11, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 11th day of January, 2018

Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO THE PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) CONTROLLED SUBSTANCE PRESCRIPTION DATABASE IN THE REGULATIONS OF THE BOARD OF PHARMACY

The Board of Pharmacy (Board) proposes to adopt regulation changes in Title 12, Chapter 52, of the Alaska Administrative Code including the following:

1. **12 AAC 52.855. Registration with the prescription drug monitoring program controlled substance prescription database**, is proposed to be changed to update the requirements for registration with the prescription drug monitoring program's controlled substance prescription database for pharmacists or practitioners.
2. **12 AAC 52.860. Access to and conditions for use of the prescription drug monitoring program database**, is proposed to be changed to clarify who may access the controlled substance prescription database under AS 17.30.200.
3. **12 AAC 52.865. Reporting and reviewing PDMP information**, is proposed to be amended to update the requirements for pharmacists and practitioners to report, and for practitioners to review, the controlled substance prescription database.
4. **12 AAC 52.870. Waiver of electronic submission requirement by pharmacist or practitioner**, is proposed to be changed to clarify who may utilize a waiver of the PDMP's electronic submission requirements, and how.
5. **12 AAC 52.880. Reports**, is proposed to be changed to correct a citation and amend the information maintained about requests from non-registered persons.
6. **12 AAC 52.885. Purge database records**, is a proposed new section that specifies what information will be purged from the PDMP and the timeline for each purge.
7. **12 AAC 52.890. Grounds for discipline**, is proposed to be changed to amend grounds for discipline and the reporting of violations related to the PDMP.
8. **12 AAC 52.920. Disciplinary guidelines**, is proposed to be changed to add a provision to include a violation of law relating to the PDMP.
9. **12 AAC 52.995. Definitions**, is proposed to be changed to specify the definition of practitioner in the PDMP regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Malquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/188354> and using the comment link. The

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Management Planner 16hr 1/22-1/23
Hazardous 8hr 2/6

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

SS.

AFFIDAVIT OF BOARD ACTION

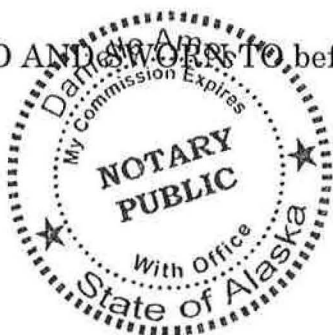
I, Laura Carrillo, Licensing Supervisor for the Board of Pharmacy, being duly sworn, state the following:

The attached motion relating to the prescription drug monitoring program (PDMP) controlled substance prescription database was passed by the Board of Pharmacy during its February 28 – March 1–2, 2018 meeting.

Date: 03/09/18
Juneau, Alaska


Laura Carrillo, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 7th day of March, 2018.



DAMES
Notary Public in and for the
State of Alaska
My commission expires: 04/01/2025

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

Alaska Board of Pharmacy

DRAFT MINUTES OF THE MEETING
February 28 – March 2, 2018

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy was held via WebEx and at the State Office Building, Conference Room A in Juneau, Alaska on February 28 – March 2, 2018.

These are draft minutes that have not yet been approved by the board.

Agenda Item 1 Call to Order/Roll Call Time: 8:58 a.m.

The March 2, 2018, meeting day was called to order by Chair, Leif Holm at 8:58 a.m.

Board members present, constituting a quorum:

Leif Holm, PharmD #PHAP1606 – *Chair*
Richard Holt, PharmD #PHAP2008, MBA – *Vice Chair*
Phil Sanders, RPh #PHAP776
James Henderson, RPh #PHAP1683
Anne Gruening, Public Member
Lana Bell, RPh #PHAP893
Tammy Lindemuth, Public Member
Sharon Long, Public Member (effective 03/01/2018; via phone)

Division staff present:

Donna Bellino, Occupational Licensing Examiner
Laura Carrillo, Records & Licensing Supervisor
Jun Maiquis, Regulations Specialist

Public members present:

Greg Estep, #PHAP2259, Walgreens (via phone)
Dirk White

On a motion duly made by Rich Holt that in light of public comment to accept 12 AAC 52.855 with amending section (e) to read “a pharmacist or practitioner required to register with the PDMP may access information in the PDMP using another registrants credentials only as authorized by a contract executed by the department for the purposes of” and replace existing statute AS 47.07.038 to read AS 47.05.270, and to accept 12 AAC 52.860, 12 AAC 52.865, 12 AAC 52.870, 12 AAC 52.880, 12 AAC 52.885, 12 AAC 52.890, 12 AAC 52.920, and 12 AAC 52.995 as written, seconded by Tammy Lindemuth, and approved unanimously, it was:

RESOLVED to accept the proposed change to 12 AAC 52.855 as amended and to accept 12 AAC 52.860, 12 AAC 52.865, 12 AAC 52.870, 12 AAC 52.880, 12 AAC 52.885, 12 AAC 52.890, 12 AAC 52.920, and 12 AAC 52.995 as written and publicly noticed.

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Phil Sanders	x			
James Henderson	x			
Anne Gruening	x			
Lana Bell	x			
Tammy Lindemuth	x			
Sharon Long	x			

No further discussion.