

Byron Mallott  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

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

**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
465.4081

**DATE:** May 30, 2018

**RE:** Filed Permanent Regulations: Board of Pharmacy

Board of Pharmacy update to regulations regarding intern license applications, out-of-state pharmacies, changes of pharmacists-in-charge, dispensing, changes of managers of wholesale drug distributors, and reporting of disciplinary actions (12 AAC 52.120(b)(8); 12 AAC 52.130(c),(d); 12 AAC 52.200(c); 12 AAC 52.470(d)-(f); 12 AAC 52.510(a)(1),(4); 12 AAC 52.610(c); 12 AAC 52.991(b))

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Attorney General File:	2018200092
Regulation Filed:	5/30/2018
Effective Date:	6/29/2018
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 five pages of regulations, dealing with review of pharmacist intern license application, registration of pharmacies located outside of the state, pharmacist-in-charge, pharmacist collaborative practice authority, prescription drug refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting requirement, 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 08.80.110, AS 08.80.157, AS 08.80.158, AS 08.80.160, AS 08.80.261, AS 08.80.295, AS 08.80.315, AS 08.80.330, AS 08.80.460, and AS 08.80.480 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.

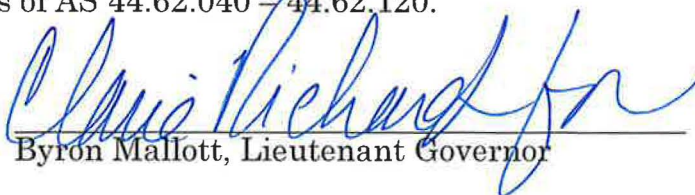
The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 05/02/2018  
Juneau, Alaska



Leif Holm, PharmD., Chair  
Board of Pharmacy

Claire Richardson FILING CERTIFICATION  
I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that  
on May 30, 2018 at 10:08A.m., I filed the attached  
regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: June 29, 2018.

Register: 226, July 2018.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.**



**BYRON MALLOTT  
LIEUTENANT GOVERNOR**



Chapter 52. Board of Pharmacy.

12 AAC 52.120(b) is amended by adding a new paragraph to read:

(8) submits two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character.

(Eff. 1/16/98, Register 145; am 2/11/2004, Register 169; am 2/15/2006, Register 177; am 1/17/2007, Register 181; am 11/16/2012, Register 204; am 6/29/2018, Register 226)

Authority: AS 08.80.005 AS 08.80.110

*ii Publisher: To reflect the addition of new 12 AAC 52.120(b)(8) please change the period that follows 12 AAC 52.120(b)(7) to a semicolon, and relocate the "and" connector from the end of 12 AAC 52.120(b)(6) to the end of 12 AAC 52.120(b)(7). ))*

*changed*

The section heading for 12 AAC 52.130 is amended to read:

**12 AAC 52.130. Registration [REVIEW OF APPLICATIONS FOR REGISTRATION] of pharmacies located outside of the state.**

12 AAC 52.130(c) is amended to read:

(c) A pharmacy located outside of the state that ships, mail, or delivers prescription drugs into the state more than twice during a 12-month period [TO INDIVIDUAL PATIENTS IN THE STATE] shall register with the board.

12 AAC 52.130 is amended by adding a new subsection to read:

(d) In AS 08.80.158(b)(4), "proof satisfactory" means a sworn statement that the pharmacy maintains its records of prescription drugs dispensed to persons in the state so that the records are readily retrievable from the records of other prescription drugs dispensed by the pharmacy, with either a written description or a copy of the pharmacy's Policies and Procedures. (Eff. 1/16/98, Register 145; am 6/2/2004, Register 170; am 2/15/2006, Register 177; am 6/29/2018,



Register 226 )

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.158

12 AAC 52.200(c) is amended to read:

(c) A pharmacist designated to replace the pharmacist-in-charge of a pharmacy shall notify the board by submitting a completed change of pharmacist-in-charge form provided by the department and paying the applicable fees established in 12 AAC 02.105(3) 02.105 within 10 days of that designation (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/15/2006, Register 177; am 6/29/2018, Register 226)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330  
AS 08.80.030 AS 08.80.160

2A Publisher: Existing 12 AAC 52.240(a) is unchanged. ///

~~12 AAC 52.240(a) is amended to read:~~

~~(a) A pharmacist planning to exercise collaborative practice authority in the pharmacist's practice by initiating or modifying drug therapy in accordance with a written protocol established and approved for the pharmacist's practice by a practitioner authorized to prescribe drugs under AS 08 must submit the completed written protocol to the board [AND BE APPROVED BY THE BOARD BEFORE IMPLEMENTATION].~~

~~12 AAC 52.240(d) is repealed:~~

~~(d) Repealed \_\_\_\_\_~~

66 Publisher: Existing 12 AAC 52.240(d) is unchanged. ///

*Shahman 5/29/2018. XCR*

*Shahman 5/29/2018. XCR*

~~12 AAC 52.240(g) is amended to read:~~ *“(Publisher: Existing 12 AAC 52.240 (g) is unchanged)”*

~~“(g) Any modification to the written protocol must be approved [BY THE BOARD] as required by this section for a new written protocol.”~~

~~“(Eff. 11/10/2001, Register 160; am 2/11/2004, Register 169; am 11/16/2012, Register 204, am 2 / / , Register )”~~

~~Authority: AS 08.80.030 AS 08.80.480~~

*Discontinued 5/29/2018. XCF*

12 AAC 52.470 is amended by adding new subsections to read:

(d) If an original prescription drug order is prescribed as a 30-day supply, the pharmacist may dispense up to a 100-day supply on refills if provided that the

- (1) total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber on the prescription, including refills;
- (2) drug is not a federal or state scheduled controlled substance; and
- (3) the pharmacist is exercising professional judgment.

(e) To indicate that an increased supply may not be dispensed under pursuant to this section, a prescriber may indicate "no change to quantity", or words of similar meaning, on the prescription drug order.

(f) Nothing in this section shall be construed to require is a health care service plan, health insurer, workers' compensation insurance plan, pharmacy benefits manager, or any other person or entity, including but not limited to, a state program or state employer, to provide coverage for a drug in a manner inconsistent with a beneficiary's plan benefit. (Eff. 1/16/98, Register 145; am 6 / 29 / 2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.510(a)(1) is amended to read:

(1) the prescribing practitioner does not indicate [HAND WRITE OR ELECTRONICALLY NOTE] on the prescription drug order that a specific brand must be dispensed, using language such as "brand medically necessary", "dispense as written", "do not substitute", or other similar wording;

The introductory language of 12 AAC 52.510(a)(4) is amended to read:

(4) for the drug product actually dispensed, the pharmacy record shall contain [PHARMACIST NOTES ON THE PRESCRIPTION DRUG ORDER] one of the following:

...

(Eff. 1/16/98, Register 145; am 10/9/2008, Register 188; am 6/29/2018, Register 226)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.295

12 AAC 52.610(c) is amended to read:

(c) Within 30 days of a change in facility manager, the new facility manager must submit

(1) the completed change of pharmacy manager form provided by the

department;

(2) the applicable fees established in 12 AAC 02.310; and

(3) meet the requirements of (a)(4) and (6) of this section. (Eff. 1/16/98, Register

145; am 8/21/2002, Register 163; am 1/17/2007, Register 181; am 6/29/2018, Register

226)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480

AS 08.80.030



12 AAC 52.991 is amended by adding a new subsection to read:

(b) A licensed or registered facility shall report in writing to the board any disciplinary decision, including suspension or revocation by federal, state, or local government of a license currently or previously held by the applicant or facility for the manufacture or distribution of drugs or devices, including controlled substances, or any felony conviction under federal, state, or local law of an owner of the facility or of an employee of the facility. (Eff. 9/17/2011, Register 199; am 4/16/2016, Register 218; am 6 / 29 / 2018, Register 226)

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

*CA Publisher: To reflect the addition of new 12 AAC 52.991(b), please designate the existing text of 12 AAC 52.991 as 12 AAC 52.991(a), i.e., insert an "(a)" subsection tag for the existing text. ///*



# MEMORANDUM


## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** May 29, 2018

**File No.:** 2018200092

**Tel. No.:** 465-3600

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

**Re:** Board of Pharmacy update to regulations regarding intern license applications, out-of-state pharmacies, changes of pharmacists-in-charge, dispensing, changes of managers of wholesale drug distributors, and reporting of disciplinary actions (12 AAC 52.120(b)(8); 12 AAC 52.130(c), (d); 12 AAC 52.200(c); 12 AAC 52.470(d) - (f); 12 AAC 52.510(a)(1), (4); 12 AAC 52.610(c); 12 AAC 52.991(b))

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 general delegation dated May 23, 2018 from the Regulations Attorney. The regulations include updates to regulations regarding intern license applications, out-of-state pharmacies, changes of pharmacists-in-charge, dispensing, changes of managers of wholesale drug distributors, and reporting of disciplinary actions.

We have received confirmation from agency staff to defer our review of proposed amendments to 12 AAC 52.240(a) and (g), and to defer our review of the proposed repeal of 12 AAC 52.240(d), to another regulations project, pending additional board work on those provisions. We find no legal problems with the rest of the regulations. 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 28, 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.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

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

Sara Chambers, Operations Manager  
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

Sher Zinn, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

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

April Simpson, Notary Administrator  
Office of the Lieutenant Governor

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

# MEMORANDUM

## State of Alaska Department of Law

TO: The Honorable Byron Mallott  
Lieutenant Governor  
(*via e-mail*)

DATE: May 23, 2018

TEL. NO.: 465-3600

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

SUBJECT: Delegation of authority May  
25 - June 5, 2018

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver during my absence May 25, 2018 through June 6, 2018. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct legal review under AS 44.62 and take necessary actions under AS 44.62.

SRP

cc: (*via e-mail*)

Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor

April Simpson, Notary Administrator  
Office of the Lieutenant Governor

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



**NOTICE OF PROPOSED CHANGES RELATING TO INTERN LICENSE APPLICATION,  
REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF THE STATE, PHARMACIST-  
IN-CHARGE, COLLABORATIVE PRACTICE AUTHORITY, PRESCRIPTION DRUG  
REFILLS, SUBSTITUTION, FACILITY MANAGER REQUIREMENTS, AND DISCIPLINARY  
DECISION OR CONVICTION REPORTING REQUIREMENT IN THE REGULATIONS OF  
THE BOARD OF PHARMACY**

BRIEF DESCRIPTION: The Board of Pharmacy proposes to update various regulations relating to intern license application, registration of pharmacies located out-of-state, pharmacist-in-charge, collaborative practice, prescription drug order refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting by a licensed or registered facility to the board.

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 52.120. Review of pharmacist intern license application**, is proposed to be changed to amend the checklist requirements for pharmacist intern license application.
2. **12 AAC 52.130. Registration of pharmacies located outside of the state**, is proposed to be changed to clarify the provisions related to applications for registration of pharmacies located outside of this state.
3. **12 AAC 52.200. Pharmacist-in-charge**, is proposed to be changed to amend the requirements for a pharmacist designated to replace the pharmacist-in-charge of a pharmacy.
4. **12 AAC 52.240. Pharmacist collaborative practice authority**, is proposed to be changed to amend the pharmacist collaborative practice authority requirements.
5. **12 AAC 52.470. Refills**, is proposed to be changed to amend the provisions related to prescription drug order refills.
6. **12 AAC 52.510. Substitution**, is proposed to be changed to clarify the provisions related to notes or wording on the prescription drug order.
7. **12 AAC 52.610. Wholesale drug distributor license**, is proposed to be changed to amend the provisions related to a change in facility manager.
8. **12 AAC 52.991. Disciplinary decision or conviction reporting requirement**, is proposed to be changed to add the requirement that a licensed or registered facility report in writing to the board any disciplinary decision or conviction.

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](mailto: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/188582>, and using the comment link. **The comments must be received not later than 5:00 p.m. on February 26, 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](mailto: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](mailto:RegulationsAndPublicComment@alaska.gov) not later than February 20, 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](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/PHA-1217.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 08.80.110; AS 08.80.157; AS 08.80.158; AS 08.80.160; AS 08.80.261; AS 08.80.295; AS 08.80.315; AS 08.80.330; AS 08.80.460; AS 08.80.480

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.075; AS 08.80.005; AS 08.80.030; AS 08.80.110; AS 08.80.157; AS 08.80.158; AS 08.80.160; AS 08.80.261; AS 08.80.295; AS 08.80.315; AS 08.80.330; AS 08.80.460; AS 08.80.480

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

DATE: 1/26/18




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:** Review of pharmacist intern license application, registration of pharmacies located outside of the state, pharmacist-in-charge, pharmacist collaborative practice authority, prescription drug refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting requirement.
3. **Citation of regulation:** 12 AAC 52.120, 12 AAC 52.130, 12 AAC 52.200, 12 AAC 52.240, 12 AAC 52.470, 12 AAC 52.510, 12 AAC 52.610, and 12 AAC 52.991.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: None known.  
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:** 1/26/18      **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**

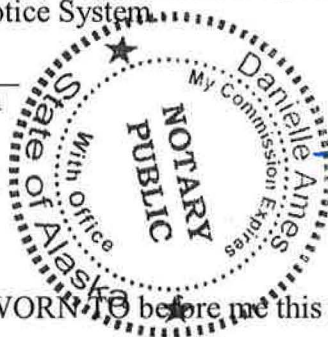
I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 52.120, 12 AAC 52.130, 12 AAC 52.200, 12 AAC 52.240, 12 AAC 52.470, 12 AAC 52.510, 12 AAC 52.610, and 12 AAC 52.991, dealing with review of pharmacist intern license application, registration of pharmacies located outside of the state, pharmacist-in-charge, pharmacist collaborative practice authority, prescription drug refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting requirement, 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  
Jun Maiquis, Regulations Specialist

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

D. Ames  
Notary Public in and for the  
State of Alaska  
My commission expires: at office

STATE OF ALASKA )  
FIRST JUDICIAL DISTRICT ) 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 review of pharmacist intern license application, registration of pharmacies located outside of the state, pharmacist-in-charge, pharmacist collaborative practice authority, prescription drug refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting requirement.

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: w/office



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RECEIVED  
Juneau  
FEB 02 2018

# AFFIDAVIT OF PUBLICATION

CBPL

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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 28, 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 29th day of January, 2018

Britney Thompson

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

2/23/2019  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES RELATING TO INTERN LICENSE APPLICATION, REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF THE STATE, PHARMACIST-IN-CHARGE, COLLABORATIVE PRACTICE AUTHORITY, PRESCRIPTION DRUG REFILLS, SUBSTITUTION, FACILITY MANAGER REQUIREMENTS, AND DISCIPLINARY DECISION OR CONVICTION REPORTING REQUIREMENT 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 52.120. Review of pharmacist intern license application**, is proposed to be changed to amend the checklist requirements for pharmacist intern license application.
2. **12 AAC 52.130. Registration of pharmacies located outside of the state**, is proposed to be changed to clarify the provisions related to applications for registration of pharmacies located outside of this state.
3. **12 AAC 52.200. Pharmacist-in-charge**, is proposed to be changed to amend the requirements for a pharmacist designated to replace the pharmacist-in-charge of a pharmacy.
4. **12 AAC 52.240. Pharmacist collaborative practice authority**, is proposed to be changed to amend the pharmacist collaborative practice authority requirements.
5. **12 AAC 52.470. Refills**, is proposed to be changed to amend the provisions related to prescription drug order refills.
6. **12 AAC 52.510. Substitution**, is proposed to be changed to clarify the provisions related to notes or wording on the prescription drug order.
7. **12 AAC 52.610. Wholesale drug distributor license**, is proposed to be changed to amend the provisions related to a change in facility manager.
8. **12 AAC 52.991. Disciplinary decision or conviction reporting requirement**, is proposed to be changed to add the requirement that a licensed or registered facility report in writing to the board any disciplinary decision or conviction.

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](mailto: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/188582>, and using the comment link. **The comments must be received not later than 5:00 p.m. on February 26, 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](mailto: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](mailto:RegulationsAndPublicComment@alaska.gov) not later than February 20, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska





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 dealing with review of pharmacist intern license application, registration of pharmacies located outside of the state, pharmacist-in-charge, pharmacist collaborative practice authority, prescription drug refills, substitution, wholesale drug distributor license, and disciplinary decision or conviction reporting requirement was passed by the Board of Pharmacy during its February 28 – March 1-2, 2018 meeting.

Date: 03/23/2018  
Juneau, Alaska

*Laura Carrillo*  
Laura Carrillo, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 23 day of March, 2018.



*DAmes*  
Notary Public in and for the  
State of Alaska  
My commission expires: w/office

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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

After reviewing public comments to the proposed regulations, Chair Holm called for motions.

On a motion duly made by Rich Holt that in light of public comment, to accept regulations 12 AAC 52.120 (pharmacy intern application), 12 AAC 52.130 (review of applications of pharmacies located outside of the state), 12 AAC 52.200 (pharmacists-in-charge), 12 AAC 52.240 (pharmacists collaborative practice authority), 12 AAC 52.510 (substitution), 12 AAC 52.610 (wholesale drug distributor), 12 AAC 52.991 (disciplinary decision or conviction reporting); amend 12 AAC 52.470(d) to state: “If an original prescription drug order is prescribed as a 30-day supply, the pharmacist may dispense up to a 100-day supply on refills provided that the”; strike 90-day to 100-day, strike (1) patient has completed and initial 30-day supply of the drug”. Seconded by Tammy Lindemuth, and approved unanimously, it was:

**RESOLVED** to accept proposed regulations 12 AAC 52.120, 12 AAC 52.130, 12 AAC 52.200, 12 AAC 52.240, 12 AAC 52.510, 12 AAC 52.610, and 12 AAC 52.991 as written and publicly noticed, and to accept 12 AAC 52.470(d) as amended.

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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.