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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))

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.

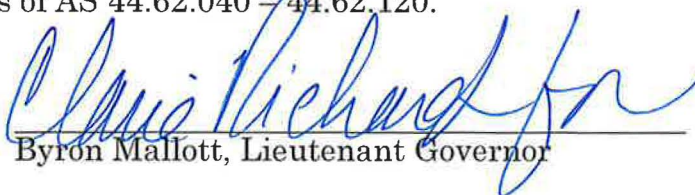
The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

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 7th 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

2 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 _____~~

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

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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} shall 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 ^g 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 ^h 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. ///