

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** November 19, 2020

**RE:** Filed Emergency Regulations: Board of Pharmacy  
  
Board of Pharmacy - Emergency Regulation re: emergency permits and courtesy license  
(12 AAC 52.110)

---

|                        |                                                                |
|------------------------|----------------------------------------------------------------|
| Attorney General File: | Emergency Regulations                                          |
| Regulation Filed:      | 11/19/2020                                                     |
| Effective Date:        | 11/19/2020                                                     |
| Expiration Date:       | March 18, 2021 unless made permanent<br>by the adopting agency |
| Print:                 | 236, January 2021                                              |

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist

## FINDING OF EMERGENCY

The Board of Pharmacy finds that an emergency exists under AS 44.62.250 requiring an immediate expansion of emergency permits and licenses, and that an emergency regulation change is necessary to 12 AAC 52.110, dealing with emergency permit and emergency courtesy license, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

- Pharmacists are using emergency permits to assist in the state of Alaska COVID-19 emergency response
- There is a complexity of obtaining licensure;
- A large-scale vaccination release related to COVID-19 is upcoming;
- Facilitate licensees being able to further assist Alaskans in the ongoing emergency response

## ORDER CERTIFYING ADOPTION

I certify that the Board of Pharmacy, under the authority of AS 08.80.005, AS 08.80.030, and AS 08.80.155, adopted at its November 6, 2020 teleconference meeting the attached three pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 11/19/2020  
Juneau, Alaska

Laura Carrillo

Laura Carrillo, Executive Administrator  
Board of Pharmacy

April Simpson for

## FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 19, 2020 at 4:47 p.m., I filed the attached regulation according to the provisions of AS 44.62.

April Simpson

for

Kevin Meyer, Lieutenant Governor

Effective: November 19, 2020

Register: 236, January 2021

Expires March 18, 2021  
unless made "permanent"  
by the adopting agency

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

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

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

## EMERGENCY REGULATION

Register 236, January 2021 PROFESSIONAL REGULATIONS

### Chapter 52. Board of Pharmacy.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 52.110 is amended to read:

**12 AAC 52.110. Emergency licensure to practice as a pharmacist, pharmacy intern, or pharmacy technician [PHARMACIST PERMIT].** (a) If the board determines that an emergency exists **requiring the provision of licensed coverage in a pharmacy** [THE BOARD WILL ISSUE AN EMERGENCY PHARMACIST PERMIT FOR THE PURPOSE OF PROVIDING COVERAGE IN A PHARMACY] that is temporarily without the services of a pharmacist due to death, illness, or other emergency circumstances, **the board may issue an emergency pharmacist, pharmacy intern, or pharmacy technician permit** to an applicant who

- (1) submits a completed application **on a form provided by the department** [FOR A PHARMACIST LICENSE];
- (2) pays the emergency permit fee required in 12 AAC 02.310;
- (3)] submits **verification on a form provided by the department that the applicant is currently licensed** [CERTIFIED TRUE COPY OF A CURRENT PHARMACIST LICENSE IN GOOD STANDING] in another **licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements** [STATE];
- (4) repealed 10/31/2019; and
- (5) has not been convicted of a felony or another crime that affects the applicant's

## EMERGENCY REGULATION

Register 236, January 2021 PROFESSIONAL REGULATIONS

ability to practice pharmacy competently and safely.

(b) An emergency permit under (a) of this section is nonrenewable, and is valid for 90 [60] days or until the emergency circumstances no longer exist, whichever is shorter.

(c) In an urgent situation, the board may issue an emergency courtesy license to practice as a pharmacist, pharmacy intern, or pharmacy technician to an applicant who meets the requirements of this section. The board may restrict the license to only those services required to respond to the urgent situation. The licensee may not practice as a pharmacist, pharmacy intern, or pharmacy technician outside the scope of the limited purpose for which the emergency courtesy license is issued.

(d) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes the applicable application and licensing fees established in 12 AAC 02.105.

(e) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 120 consecutive days.

(f) The board will not issue, and an emergency courtesy license holder may not use, an emergency courtesy license as a substitute for a temporary license or other license required under AS 08.80.

(g) While practicing under an emergency courtesy license issued under this section, the holder of the emergency courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

## EMERGENCY REGULATION

Register 236, January 2021 **PROFESSIONAL REGULATIONS**

(h) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261.

(i) In this section, "urgent situation" means a health crisis requiring an increased availability of pharmacists, pharmacy interns, or pharmacy technicians. (Eff. 1/16/98,

Register 145; am 1/17/2007, Register 181; am 8/12/2007, Register 183; am 10/31/2019, Register 232; am 11 / 19 / 2020, Register 236)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.155

Excerpt from the Draft Minutes of the  
November 6, 2020 Teleconference Meeting of the  
Alaska Board of Pharmacy

**Emergency regulations 12 AAC 52.110**

Based on the finding that: pharmacists are using emergency permits to assist in the state of Alaska COVID-19 emergency response; 2.) there is a complexity of obtaining licensure; and 3.) a large-scale vaccination release related to COVID-19 is upcoming.

Chair Holt motioned to amend 12 AAC 52.110 in order to facilitate licensees being able to further assist Alaskans in the ongoing emergency response, seconded by Tammy Lindemuth.

It was RESOLVED to adopt 12 AAC 52.110 as presented and amended, and that the board intends to make the emergency regulations permanent.

The motion passed with no further discussion.

## AFFIDAVIT OF BOARD ACTION

I, Laura Carrillo, Executive Administrator for the Board of Pharmacy, being duly sworn, state the following:

The attached motion dealing with emergency permit and emergency courtesy license was passed by the Board of Pharmacy during its November 6, 2020 teleconference meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/19/2020

Laura Carrillo  
Laura Carrillo, Executive Administrator

State of Alaska  
Juneau