

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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Anchorage, Alaska 99501
907.269.7460
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**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

A handwritten signature in blue ink, likely belonging to April Simpson, is placed next to the "FROM:" line.

DATE: April 6, 2021

RE: Filed Permanent Regulations: Board of Pharmacy

Board of Pharmacy regulations re: registration with the prescription drug monitoring program (PDMP) controlled substance prescription database (12 AAC 52.855)

Attorney General File:	2021200007
Regulation Filed:	4/6/2021
Effective Date:	5/6/2021
Print:	238, July 2021

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached two pages of regulations, dealing with registration with the prescription drug monitoring program 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 18-19, 2021 teleconference meeting, under the authority of AS 08.80.005, AS 08.80.030, 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: _____
Juneau, Alaska

Laura Carrillo Digitally signed by Laura Carrillo
Date: 2021.02.22 15:07:36 -09'00'

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 April 6, 2021 at 1:05 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for April Simpson

Kevin Meyer, Lieutenant Governor

Effective: May 6, 2021

Register: 238, July 2021

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**

Chapter 52. Board of Pharmacy.

repealed and readopted

12 AAC 52.855 is ~~amended~~ to read:

12 AAC 52.855. Registration with the prescription drug monitoring program

controlled substance prescription database. (a) A prescriber shall register with the PDMP
not later than the date of
within 30 days after the date of initial licensure or registration with the federal Drug
Enforcement Administration (DEA), whichever is later.

(b) A licensed pharmacist practicing in this state shall register with the prescription
drug monitoring program's controlled substance prescription database (PDMP). Registration
not later than after
must be completed within 30 days of initial licensure if the pharmacist's practice is
expected to involve [BEFORE] dispensing a schedule II, III, or IV controlled substance under
federal law. shall If not dispensing in this state, a pharmacist must submit a PDMP dispensation
exemption form provided by the board not later than after within 30 days of initial licensure. A pharmacist
who submitted a dispensation exemption form shall must register before dispensing a schedule
II, III, or IV controlled substance under federal law in this state.

(c) ~~[(b)]~~ Except as provided in (a) of this section, before [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.

(d) ~~[(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.

(e) ~~[(d)]~~ A pharmacist or practitioner required to register with the PDMP must access

Register 238, July 2021 **PROFESSIONAL REGULATIONS**

information in the PDMP using the user account, login name, and password issued by the department.


to replace and underline (f) (e) unnecessary
(f) (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; am 5 / 6 / 2021, Register 238)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Date: April 5, 2021

File No.: 2021200007

Tel. No.: 465-3600

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

Re: Board of Pharmacy regulations re:
registration with the prescription drug
monitoring program (PDMP)
controlled substance prescription
database (12 AAC 52.855)

The Department of Law has reviewed the attached regulations of the Board of Pharmacy against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. 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 regulations were adopted by the Board of Pharmacy after the close of the public comment period. The regulations refine the requirements for registration with the prescription drug monitoring program (PDMP) controlled substance prescription database, to clarify that a "prescriber"--i.e., an advanced practice registered nurse, a physician, a veterinarian, or a dentist--would be required to register within 30 days after initial licensure or registration with the DEA, whichever is later; and to clarify the requirements for registration by pharmacists before dispensing schedule II, III, or IV controlled substances under federal law, in particular clarifying the mechanism for out-of-state pharmacists to obtain a registration exemption and for those same pharmacists to meet registration requirements before dispensing controlled substances in this state.

The January 10, 2020 public notice and the February 22, 2020 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.

Honorable Kevin Meyer, Lieutenant Governor
File No. 2021200007: Board of Pharmacy Regulations

April 5, 2021
Page 2 of 2

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: Richard Holt, D.Ph., Chair
Board of Pharmacy
(via e-mail through Jun Maiquis)

Amy Demboski, Regulations Contact
Department of Commerce, Community, and Economic Development

Laura Carrillo, Executive Administrator
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

Harriet Dinegar Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF PHARMACY

BRIEF DESCRIPTION: The Board of Pharmacy proposes to adopt regulations regarding registration with the prescription drug monitoring program controlled substance prescription database.

The Board of Pharmacy (Board) proposes to adopt regulation changes in Title 12, Chapter 52 of the Alaska Administrative Code, dealing with registration with the prescription drug monitoring program (PDMP) controlled substance prescription database including the following:

12 AAC 52.855. Registration with the prescription drug monitoring program controlled substance prescription database, is proposed to require pharmacists or practitioners licensed in this state who holds a federal Drug Enforcement Administration (DEA) registration number to register with the PDMP within 30 days of initial licensure as a prescriber.

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/200999>, and using the comment link. **The comments must be received not later than 4:30 p.m. on February 11, 2021.** 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 4, 2021 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-PDMP-1220.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 08.80.005; AS 08.80.030; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.80.005; AS 08.80.030; AS 17.30.200

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


DATE: _____

1/8/21


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 with the prescription drug monitoring program controlled substance prescription database (PDMP).
3. **Citation of regulation:** 12 AAC 52.855.
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: \$25 initial PDMP registration fee; \$25 PDMP biennial registration renewal fee.
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 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**
Laura Carrillo, Executive Administrator
Alaska Board of Pharmacy
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1073
E-mail: laura.carrillo@alaska.gov
10. **The origin of the proposed action:** Board of Pharmacy.
11. **Date:** 1/8/21 **Prepared by:** 
Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

RECEIVED
Juneau

FEB 08 2021

Order #: W0019899

Cost: \$458.2

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

01/10/2021

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

Subscribed and sworn to before me
this 11th day of January 2021.

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

MY COMMISSION EXPIRES

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

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Statutory Authority: AS 08.80.005; AS 08.80.030; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific:
AS 08.80.005; AS 08.80.030; AS 17.30.200

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

DATE: 1/8/2021
/s/ Jun Maiquis,
Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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Published: January 10, 2021

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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, dealing with registration with the 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 every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

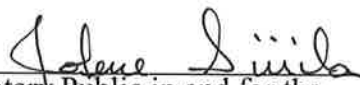
DATE: 3/3/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 3 day of March, 2021.





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

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

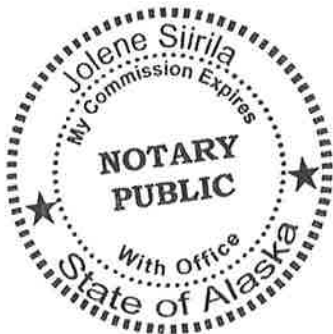
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

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 registration with the prescription drug monitoring program (PDMP) controlled substance prescription database.

DATE: 3/3/21
Juneau, Alaska

Jun Maiquis
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 3 day of March, 2021.



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

Excerpt from the Draft Minutes of the
February 18-19, 2021 Teleconference Meeting of the
Alaska Board of Pharmacy

PDMP regulation 12 AAC 52.855

The Board reviewed public comments relating to the PDMP registration timeframe of 30 days. Chair Holt read out loud for the record each comment received, noting some comments were related to other PDMP topics and not specifically to the proposal. In considering comments from the Board of Veterinary Examiners, Chair Holt proposed separating the section referencing pharmacists in a new subsection so it was clear the language pertained only to this license group and not to other provider types. No proposed changes were made to the language.

On a motion duly made by Lana Bell to adopt 12 AAC 52.855 as amended, seconded by Justin Ruffridge and approved unanimously, it was:

RESOLVED to adopt the organizational amendment to the 30-day registration timeframe with the Prescription Drug Monitoring Program (PDMP).

	APPROVE	DENY	ABSTAIN	ABSENT
Leif Holm	x			
Richard Holt	x			
Justin Ruffridge	x			
Lana Bell	x			
Tammy Lindemuth				x
James Henderson				x
Sharon Long	x			

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 registration with the prescription drug monitoring program controlled substance prescription database was passed by the Board of Pharmacy during its February 18-19, 2021 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: _____

Laura Carrillo

Digitally signed by Laura Carrillo
Date: 2021.02.22 15:07:11 -09'00'

Laura Carrillo, Executive Administrator

State of Alaska
Juneau