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

530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

DATE: November 28, 2022

RE: Filed Permanent Regulations: Board of Pharmacy

Board of Pharmacy regulations re: Licensing, Registration, and Permit Requirements; Personnel; Pharmacy; Pharmacy Practice Standards; Wholesale Drug Distributors and Facilities; Controlled Substance Prescription Database, and Definitions (12 AAC 52)

Attorney General File:	2022200219
Regulation Filed:	11/28/2022
Effective Date:	12/28/2022
Print:	244, January 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF PHARMACY

The attached twenty pages of regulations, dealing with licensure, registration, change of pharmacy location, name or ownership, internship requirements, examination, intern license, out-of-state pharmacy registration, pharmacy technicians, pharmacist-in-charge, refills, patient counseling, wholesale drug distributor license, facilities, facility manager, definitions, prescription drug monitoring program, and display of license certificate, are certified to be a correct copy of the regulation changes that the Board of Pharmacy adopted at its June 16, 2022 meeting, under the authority of AS 08.80.005, AS 08.80.030, AS 08.80.110, AS 08.80.116, AS 08.80.145, AS 08.80.157, AS 08.80.158, AS 08.80.159, AS 08.80.160, AS 08.80.330, AS 08.80.480, 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: 11/23/2022

Laura Carrillo
Laura Carrillo, Executive Administrator
Alaska Board of Pharmacy

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 28, 2022 at 2:45 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for Kevin Meyer, Lieutenant Governor

Effective: December 28, 2022.

Register: 244, January 2023.

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.

KEVIN MEYER
LIEUTENANT GOVERNOR

Chapter 52. Board of Pharmacy.

12 AAC 52.020 is repealed and readopted to read:

12 AAC 52.020. Pharmacy license. (a) An applicant for a pharmacy license shall submit the items required in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) An applicant for a pharmacy license shall submit

(1) a complete, notarized application on a form provided by the department;

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

(3) an attestation that within 14 days after commencement of business, a self-inspection on a form provided by the department will be completed. The self-inspection must be retained, and available upon request, for the duration of the licensing period in which it was completed; and

(4) the name of the pharmacy or pharmacist that will provide consultant pharmacist services as required under AS 08.80.390, if applicable.

(c) An application for a remove or other pharmacy license must include the name of the pharmacist designated to be the pharmacist-in-charge as required under AS 08.80.330 and 12 AAC 52.200.

(d) An application for a pharmacy license must include the name and specific location of each remote pharmacy that will be under that pharmacy's control.

(e) An application for a remote pharmacy license must include the name and, if it has been issued, the license number of the pharmacy that is its central pharmacy.

(f) A pharmacy that has changed its name, ownership, or physical address shall apply for a new and separate license in accordance with this section. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/11/2004, Register 169; am 2/15/2006, Register 177; am 1/17/2007, Register 181; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030 **AS 08.80.270**

12 AAC 52.030 is repealed:

12 AAC 52.030. Change of pharmacy location or name. Repealed 12/28/2022. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/11/204, Register 169; am 1/17/2007, Register 181; repealed 12/28/2022, Register 244)

12 AAC 52.040 is repealed:

12 AAC 52.040. Change of pharmacy ownership. Repealed 12/28/2022. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/11/2004, Register 169; am 1/17/2007, Register 181; repealed 12/28/2022, Register 244)

12 AAC 52.060(b) is amended to read:

(b) If a pharmacy maintains a temporary location for more than 90 days, the pharmacist-in-charge of the pharmacy shall apply for a new and separate **pharmacy** [FACILITY] licenses as required in **12 AAC 52.020(f)** [12 AAC 52.030].

(Eff. 1/16/98, Register 145; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.330
AS 08.80.030

12 AAC 52.070 is repealed and readopted to read:

12 AAC 52.070. Application for pharmacist license by examination. (a) An applicant for a pharmacist license by examination shall submit the items required in this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualification for licensure must be reviewed and approved by the board.

(b) An applicant for licensure under this section must submit to the department

(1) a complete, notarized application on a form provided by the department; the application must include a statement from the applicant attesting to the applicant's fluency in reading, writing, and speaking the English language;

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

(3) two affidavits from reputable citizens who have known the applicant for at least one year attesting to the applicant's good moral character;

(4) a signed attestation that the applicant has completed the internship hours with an accredited pharmacy, for a duration that is nationally recognized;

(5) verification, sent directly to the department by the National Association of Boards of Pharmacy, that the applicant has passed the examinations required in 12 AAC 52.090;

(6) verification, sent directly to the department by the National Association of Boards of Pharmacy, that a foreign pharmacy graduate received the Foreign Pharmacy Graduate Examination Committee certificate, if applicable. (Eff. 1/16/98, Register 145; am 2/15/2006,

Register 177; am 7/1/2007, Register 182; am 10/31/2019, Register 232; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.110 **AS 08.80.270**
AS 08.80.030 AS 08.80.116

Editor's note: Information about accredited colleges of pharmacy may be obtained from the Accreditation Council for Pharmacy Education, 20 North Clark Street, Suite 2500, Chicago, IL 60602-5109. Information about Foreign Pharmacy Graduate Examination Committee certification and colleges recognized by that committee may be obtained from the National Association of Boards of Pharmacy, Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Drive, Mount Prosect, IL 60056.

12 AAC 52.080 is repealed:

12 AAC 52.080. Internship requirements for a pharmacist license. Repealed 12/28/2022. (Eff. 1/16/98, Register 145; am 11/10/2001, Register 160; am 2/15/2006, Register 177; am 4/16/2016, Register 218; repealed 12/28/2022, Register 244)

12 AAC 52.092 is repealed and readopted to read:

12 AAC 52.092. Eligibility to sit for examination. An applicant for licensure by examination who has submitted documents that meet the requirements set out in 12 AAC 52.070 will be referred to the National Association of Boards of Pharmacy by the board to determine eligibility to sit for the North American Pharmacy Licensing Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC 52.090. (Eff. 7/1/2007, Register 182; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80..110

12 AAC 52.095 is repealed and readopted to read:

12 AAC 52.095. Application for pharmacist license by reciprocity. (a) An applicant for a pharmacist license by reciprocity shall submit the items required in this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board. An applicant for a pharmacist license shall submit

(1) a complete, notarized application on a form provided by the department;

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

(3) two affidavits from reputable citizens who have known the applicant for at least one year attesting to the applicant's good moral character; and

(4) an application for license transfer through the National Association of Boards of Pharmacy; the license by which the applicant is seeking reciprocity from must be current, unencumbered, and in good standing.

(b) An applicant for licensure under this section who has not taken the Multistate Pharmacy Jurisprudence Examination (MPJE) required under 12 AAC 52.090 is approved to sit for that examination if the applicant has submitted the documents required under (a)(l)- (4) of this section.

(c) Experience gained during rotation requirements at an accredited institution will be accepted by the board to satisfy AS 08.80.145(5). (Eff. 7/1/2007, Register 182; am 10/31/2019, Register 232; am 12 / 28 / 2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.145

12 AAC 52.120 is repealed and readopted to read:

12 AAC 52.120. Review of pharmacist intern license application. (a) An applicant shall submit the requirements in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) A pharmacist intern license will be issued to an applicant who

(1) submits a complete, notarized application on a form provided by the department

(2) pays the applicable fees established in 12 AAC 02.31 0;

(3) is

(A) presently enrolled in a college of pharmacy accredited by the ACPE and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist; or

(B) a graduate of an accredited professional degree program from a school or college of pharmacy within one year preceding the date of application; or

(C) a graduate of a college of pharmacy recognized by the Foreign Pharmacy Graduate Examination Committee of the National Association of Boards of Pharmacy; and

(4) certifies that the applicant has not been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacy intern competently and safely.

(c) A pharmacist intern license is valid for five years.

(d) An individual must be licensed as a pharmacist intern before beginning an internship in the state.

(e) A pharmacist intern license supersedes a pharmacy technician license and the pharmacy technician license shall be returned to the board.

(f) A pharmacist intern license may not be renewed. An applicant wishing to continue an internship in this state after the license has expired must reapply for a new license in accordance with this section. (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 7/9/2017, Register 223; am 6/29/2018, Register 226; am 10/31/2019, Register 232; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.110 AS 08.80.116
AS 08.80.030

12 AAC 52.130 is repealed and readopted to read:

12 AAC 52.130. Registration of pharmacies located outside of the state. (a) An applicant for a pharmacy registration located outside of the state shall submit the requirements in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) An out-of-state pharmacy registration will be issued to an applicant who

(1) submits a complete, notarized application on a form provided by the department that includes

(A) the ownership name;

(B) the pharmacy "doing business as" name, if applicable;

(C) the physical location of the facility;

(D) a mailing address and telephone number;

(E) the names of all partners or corporate officers who are licensed in any jurisdiction to practice pharmacy;

(F) the name, license number, and contact information for the pharmacist-in-charge;

(G) the names of all pharmacists employed by the pharmacy;

(H) completion of the professional fitness section of the application; and

(I) the name of the appointed registered agent;

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

(3) submits a copy of a current, valid facility license or registration from the jurisdiction where the pharmacy is located; and

(4) submits an attestation that a self-inspection of the premises using the form provided by the department was completed within the last two years; the self-inspection must be made available upon request, for the duration of the licensing period in which it was completed.

(c) A pharmacy located outside of the state that ships, mails, or delivers prescription drugs into the state more than twice during a 12-month period shall register with the board.

(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; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.158

The introductory language of 12 AAC 52.140(b) is amended to read:

(b) **A** [THE FOLLOWING CHECKLIST IS ESTABLISHED BY THE BOARD FOR REVIEW OF AN APPLICATION FOR A PHARMACY TECHNICIAN LICENSE; A] pharmacy technician license will be issued to an applicant who

...

12 AAC 52.140(b)(5) is amended to read:

(5) pays the **applicable fees** [APPLICATION FEE AND THE PHARMACY TECHNICIAN LICENSE FEE] established in 12 AAC 02.310.

(Eff. 1/16/98, Register 145; am 2/15/2006, Register 177; am 1/17/2007, Register 181; am 7/7/2022, Register 243; am 12/28/2022 Register 244)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.200 is repealed and readopted to read:

12 AAC 52.200. Pharmacist-in-charge. (a) The responsibilities of the pharmacist-in-charge include

(1) compliance with all laws and regulations governing the activities of the pharmacy;

(2) training of all pharmacy personnel;

(3) ensuring adequate policies and procedures are in place for pharmacy operations;

(4) maintaining required records;

(5) storage of all materials, including drugs and chemicals; and

(6) ensuring effective controls against theft or diversion of prescription drugs.

(b) A pharmacist designated to replace the pharmacist-in-charge of a licensed or registered pharmacy shall notify the board not later than 10 days after that designation, by submitting a completed change of pharmacist-in-charge form provided by the department.

(c) Notwithstanding 12 AAC 52.425(a), a pharmacist may not serve as pharmacist-in-charge unless the pharmacist is physically present in the pharmacy for a sufficient amount of time to provide supervision and control. A pharmacist may not serve as pharmacist-in-charge for more than one pharmacy at any one time except upon obtaining written permission from the board. (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 2/15/2006, Register 177; am 6/29/2018, Register 226; am 12/28/2022 Register 244)

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

12 AAC 52.230 is repealed and readopted to read:

12 AAC 52.230. Pharmacy technicians. (a) An individual who assists in performing functions included in the definition of the practice of pharmacy must be licensed as a pharmacy technician.

(b) Before an individual may perform the tasks of a pharmacy technician, or functions in accordance with 12 AAC 52.235, the individual shall complete training required by the pharmacist-in-charge. Duties performed must be consistent with the training received.

(c) Persons whose responsibilities are purely administrative, including bookkeepers, accountants, administrative staff and persons who transport or deliver completed prescriptions to a patient or patient's agent are not required to obtain a pharmacy technician license. (Eff.

1/16/98, Register 145; am 4/4/2002, Register 162; am 1/23/2003, Register 165; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 12/28/2022, Register 244)

Authority: AS 08.80.030 AS 08.80.480

12 AAC 52.470(d) is amended to read:

(d) A pharmacist or pharmacist intern may dispense any quantity of a prescription drug order so long as the

[(1)] total quantity of dosage units dispensed does not exceed the total quantity of dosage units authorized by the prescriber, including refills[;

(2) DRUG IS NOT A FEDERAL OR STATE SCHEDULED CONTROLLED SUBSTANCE].

(Eff. 1/16/98, Register 145; am 6/29/2018, Register 226; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030

12 AAC 52.585 is repealed and readopted to read:

12 AAC 52.585. Patient counseling. (a) Following the review of a patient's records, if considered necessary by the pharmacist, a pharmacist or pharmacist intern shall personally offer counseling to each patient or the patient's agent.

(b) If a pharmacist or pharmacist intern provides counseling, the pharmacist or pharmacist intern may provide the counseling by any verbal, written, or electronic means.

(c) This section does not apply to a pharmacist who dispenses drugs for inpatient use in a hospital or other institution if the drug is to be administered by a nurse or other appropriate health care provider.

(d) Before dispensing an opioid prescription for the first time to a patient or patient's agent, or upon a dose increase, a pharmacist or pharmacist intern shall advise the patient about the potential dangers of opioid dependency, overdose, and interactions. (Eff. 1 /16/98, Register 145; am 5/15/2004, Register 170; am 7/9/2017, Register 223; am 12 / 28 / 2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 08.80.480

12 AAC 52.610 is repealed and readopted to read:

12 AAC 52.610. Wholesale drug distributor license. (a) An applicant for a wholesale drug distributor license shall submit the requirements in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) A wholesale drug distributor license will be issued to an applicant who

(1) submits a completed application on a form provided by the department;

(2) pays the applicable fees required in 12 AAC 02.310;

(3) provides the name of the facility manager who will manage the wholesale distribution of drugs or devices for the wholesale drug facility;

(4) submits an attestation that

(A) a self-inspection of the premises using the form provided by the department was completed within the last two years; or

(B) a Verification Accredited Wholesale Distributors (VAWD) inspection has been completed; and

(5) submits a copy of a current valid license, permit, or registration to conduct operations in the jurisdiction in which it is located, if the applicant is a wholesale drug distributor located outside of this state.

(c) Within 30 days after a change in physical address, ownership, or name, the wholesale drug distributor must apply for a new and separate wholesale drug distributor license in accordance with this section.

(d) When a wholesale drug distributor ceases operations, the facility manager of the wholesale drug distributor shall notify the board on a form provided by the department of the cessation of operations. The form must be submitted within 10 days after the cessation of operations. (Eff. 1/16/98, Register 145; am 8/21/2002, Register 163; am 1/17/2007, Register 181; am 6/29/2018, Register 226; am 10/31/2019, Register 232; am 12 / 28 / 2022, Register 244)

Authority: AS 08.80.005 AS 08.80.157 AS 08.800.480
AS 08.80.030 AS 08.80.159

The introductory language of 12 AAC 52.620(a) is amended to read:

(a) A wholesale drug facility in which drugs **or devices** are stored, repacked, or sold to persons, businesses, or government agencies that may legally purchase drugs **or devices** must

...

12 AAC 52.620(a)(6) is amended to read:

(6) restrict entry into areas inside the facility where drugs **or devices** are stored; entry must be open to authorized personnel only;

12 AAC 52.060(a)(7) is amended to read:

(7) have a quarantine area for storage of drugs **or devices** that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in a secondary container that has been opened or the seal of which has been broken;

12 AAC 52.620(d) is amended to read:

(d) A wholesale drug distributor facility seeking to ship into or distribute prescription drugs **or devices** in this state must first verify that the purchaser of the prescription drugs **or devices** holds a valid license under **AS 08 to supply the drug or device as described in AS 08.80.400 within the scope of the purchaser's practice** [AS 08.80]. (Eff 1/16/98, Register 145; am 10/31/2019, Register 232; am 12/28/2022 Register 244)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.159

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

12 AAC 52.635. Facility manager. (a) A facility manager of a wholesale drug distributor, outsourcing facility, or third-party logistics provider designated to replace the facility manager of a facility shall notify the board not later than 10 days after that designation by submitting a completed change of facility manager notice on a form provided by the department.

The outgoing facility manager shall also notify the board not later than 10 days after departure on a form provided by the department.

(b) A facility manager may be in charge of more than one location and may be designated as the facility manager for multiple facilities simultaneously. (Eff. 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.157 AS 08.80.480
AS 08.80.030 AS 08.80.159

12 AAC 52.696 is repealed and readopted to read:

12 AAC 52.696. Outsourcing facilities. (a) An applicant for an outsourcing facility license shall submit the requirements in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) An outsourcing facility license will be issued to an applicant who

(1) submits a complete application on a form provided by the department;

(2) pays the applicable fees required in 12 AAC 02.310;

(3) provides the name of the designated facility manager;

(4) submits an attestation that a self-inspection of the premises using the form provided by the department was completed within the last two years; and

(5) submits the results of the most recent Good Manufacturing Practice (GMP) inspection by the United States Food and Drug Administration.

(c) Within 30 days after a change in physical address, ownership, or name, the outsourcing facility must apply for a new and separate outsourcing facility license in accordance with this section.

(d) When an outsourcing facility ceases operations, the facility manager must submit to the board a written notice of the cessation of operations. The written notice must be submitted within 10 days after the cessation of operations and include

(1) the date the outsourcing facility ceased operations; and

(2) arrangement for the records of the outsourcing facility to be retained for two years.

(e) The outsourcing facility must be registered as an outsourcing facility and compliant with 21 U.S.C. 353b (sec. 503B, P.L. 113-54 (Food Drug and Cosmetic Act, Drug Quality and Security Act, Compounding Quality Act)). (Eff 10/31/2018, Register 232; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.159 AS 08.80.480
AS 08.80.030

2 AAC 52.697 is repealed and readopted to read:

12 AAC 52.697. Third-party logistics providers. (a) An applicant for a third-party logistics provider license shall submit the requirements in (b) of this section for review and approval by the executive administrator. An application that does not clearly demonstrate qualifications for licensure must be reviewed and approved by the board.

(b) A third-party logistics provider license will be issued to an applicant who

(1) submits a complete application on a form provided by the department;

(2) pays the fees required in 12 AAC 02.310;

(3) provides the name of the designated facility manager; and

(4) submits an attestation that a self-inspection of the premises using the form provided by the department was completed within the last two years.

(c) Within 30 days after a change in physical address, ownership, or name, the third-party logistics provider must apply for a new and separate third-party logistics provider license in accordance with this section.

(d) When a third-party logistics provider ceases operations, the facility manager must submit to the board a written notice of the cessation of operations. The written notice must be submitted within 10 days after the cessation of operations and include

(1) the date the third-party logistics provider ceased operations; and

(2) arrangement for the records of the third-party logistics provider to be retained for two years. (Eff. 10/31/2019, Register 232; am 12/20/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.159 AS 08.80.4800

AS 08.8.030

12 AAC 52.860 is amended by adding a new subsection to read:

(f) For the purposes of AS 17.30.200(d)(9), "state medical examiner" means an employee of the State Medical Examiner's Office who has requested access in writing to the board before the release of information. (Eff. 12/29/2011, Register 200; am 6/7/2018, Register 226; am 12/28/2022, Register 244)

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(t), a pharmacist-in-charge must submit information on behalf of the employing pharmacy required under AS l 7.30.200(b) and other information required by the American Society of Automation in Pharmacy (ASAP), as specified in the Appriss Health, PMP AWARxE *Data Submission Guide for Dispensers, Alaska Prescription Drug Monitoring Program*, Version 2.2, April 2021, adopted by reference. If the pharmacist-in-charge is not present, a pharmacist or third-party vendor may report on behalf of the pharmacy. A practitioner, practitioner's delegate, or third-party vendor may also report on behalf of the practitioner.

(b) Unless excused from reporting under AS l 7.30.200(t), a pharmacist or practitioner required to submit information under AS l 7.30.200(b) must submit the information to the PDMP daily.

(c) If the pharmacist or practitioner did not dispense any Schedule II, III, or IV controlled substances on the previous day, the pharmacist or practitioner must submit a zero report.

(d) The time computation under 12 AAC 02.920(b) applies to a submission of information under AS l 7.30.200(b) and this section.

(e) For the purposes of AS l 7.30.200(b)(l), "other appropriate identifier" and for the purposes of 17.30.200(b)(8), "other appropriate identifying information" mean the state-issued license number of the prescribing practitioner and state-issued license number of the dispensing pharmacist or practitioner.

(f) Not later than 72 hours after 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 notify 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).

(g) Unless excused from reporting under AS 17.30.200(t), 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.

(h) 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; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.870(a) is amended to read:

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

12 AAC 52.870(b) is amended to read:

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

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

(2) the pharmacist or practitioner 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) the pharmacist's or practitioner's business is located in an area that lacks access to the telecommunication services needed to comply with 12 AAC 52.865**(g)**[(f)]; or

(4) the pharmacist or practitioner will suffer financial hardship if required to acquire the technology necessary to comply with 12 AAC 52.865**(g)**[(f)].

(Eff. 12/29/2011, Register 200; am 6/7/2018, Register 226; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030 AS 17.30.200

12 AAC 52.990 is amended to read:

12 AAC 52.990. Display of license certificate. A licensee shall conspicuously display, in the practice site, the licensee's current license certificate. [PENDING RECEIPT OF THE CURRENT LICENSE CERTIFICATE FROM THE DEPARTMENT, THE LICENSEE SHALL DISPLAY THE DEPARTMENT'S INTERNET WEB SITE POSTING CONFIRMING LICENSURE. THE CURRENT LICENSE CERTIFICATE, OR WEB SITE POSTING CONFIRMING LICENSURE, OF A LICENSEE PRACTICING IN AN INSTITUTIONAL FACILITY MAY BE DISPLAYED IN A CENTRAL LOCATION.] (Eff. 1/16/98, Register 145; am 6/2/2004, Register 170; am 12/28/2022, Register 244)

Authority: AS 08.80.005 AS 08.80.030