



Notice of Proposed Changes to Occupational Licensing Fees for Professions Regulated by the Board of Pharmacy in the Regulations of the Department of Commerce, Community, and Economic Development

Proposed Regulations - FAQ

October 2023

1. Why are new fees being proposed?

The Board of Pharmacy is proposing to add a retired pharmacist status license to the licensing categories. Under AS 08.01.065, the Division must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Division has reviewed the income and expenses for the occupational licensing program for the Board of Pharmacy and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

It is also proposed to add nonrefundable fingerprint processing fees for Pharmacists to the centralized licensing regulations.

Additional changes include removing any reference to 'registration' from regulation. Registration is no longer allowable by HB 112.

2. What are the proposed fees?

The fees proposed will add a one-time license fee for a retired pharmacist status license, as well as a nonrefundable fingerprint processing fee.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 02.310. Board of Pharmacy

12 AAC 02.310(a) is amended by adding a new paragraph to read:

(5) nonrefundable fingerprint processing fee under 12 AAC 02.105(19).

The introductory language of 12 AAC 02.310(b) is amended to read:

(b) The following license [AND REGISTRATION] fees for all or part of the initial biennial licensing [OR REGISTRATION] period and subsequent biennial license [AND REGISTRATION] renewal fees are established for pharmacists, pharmacy technicians, remote and other pharmacies, wholesale drug distributors, outsourcing facilities, third-party logistics providers, and manufacturers:

...

12 AAC 02.310(b)(5) is amended to read:

(5) [REGISTERED] pharmacy located outside of the state, \$550;

12 AAC 02.310(b) is amended by adding a new paragraph to read:

(11) retired status pharmacist license one-time fee, \$100.

3. How are the estimated costs determined?

AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The proposed fees are based on known and anticipated costs.

4. What do licensing fees pay for?

The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.

- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or an individual practices the profession without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.

3. When will the new fees be effective?

After the public comment deadline, comments received are compiled and given to the Division for consideration. The Division Director may adopt the regulations as written/publicly noticed, may amend and adopt them, choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Department action, the adopted regulations go to the Department of Law (DOL) for final review/approval. DOL either approves or disapproves the regulations. Once approved by DOL, it goes to the Lt. Governor for filing. The regulations take effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.