



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

March 2, 2016

The Honorable Senator Anna MacKinnon
Co-Chair, Senate Finance Committee
State Capitol Room 532
Juneau, AK 99801

Dear Senator MacKinnon,

The following are questions that have arisen and/or concerns with the PDMP portion of the above bill:

The effective date and authority to adopt regulations should extend to all responsible agencies.

ISSUE: The effective date of January 1, 2017, does not allow enough time for the Board of Pharmacy to adopt regulations, structure the program, notify licensees, and issue a new contract for the database expansion. July 1, 2017, is the earliest this could possibly be accomplished without harming the public or licensees. The Department and other boards must be provided with the ability to adopt regulations prior to the effective date, if needed.

SOLUTION: Change the effective date to July 1, 2017, or later. Add the Department of Commerce, Community, and Economic Development, Board of Dental Examiners, Board of Nursing, Board of Examiners in Optometry, Board of Veterinary Examiners, and the State Medical Board to Sec. 29 (b).

Funding source for PDMP expansion is inequitable.

ISSUE: The PDMP is currently funded by a five-year federal grant through DHSS. This grant is not adequate to cover the expansion of service included in this bill, and the fiscal note does not include base funding for the PDMP should grant funds cease to be available. While it is the intent of the Department to continue to seek federal grant funds to cover the costs of this program, additional sources have not yet been awarded. In order to receipt the funds required to accomplish the requirements of the bill, the Department must be authorized to charge a fee for database registration. Without this authority, the licensees of the Board of Pharmacy will be left to cover this cost.

SOLUTION: The Department will need explicit authority to charge a fee for registration so that the cost of the program does not become the sole responsibility of licensees of the Board of Pharmacy. This language will need to allow the fee to be receipted before the effective date of the law if dispensers and practitioners are to be registered on the effective date.

Veterinarians currently have prescriptive authority.

ISSUE: Veterinarians will be required to register under proposed AS 17.30.200(o). However, the bill does not specifically enumerate them in AS 17.30.200(p). Further, the requirement in AS 17.30.200(p) for the Board of Pharmacy to notify the other boards when their licensees register is an onerous and redundant requirement since the division administers all of these programs.

SOLUTION: Omit AS 17.30.200(p).

How can registration with the PDMP be easier for users?

A notarized signature page is the best means of verifying user identity and providing only those prescribers and practitioners with genuine credentials access to this sensitive data. It is done once, at the time the account is established. The personal identification verification will become even more critical if the system is opened up to delegate accounts for trusted assistants of dispensers and practitioners. Because this is HIPAA-protected information, it is critical that identity verification is acquired for access to the database.

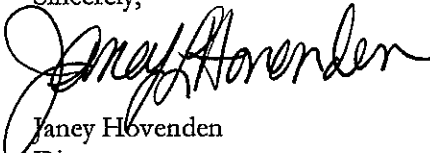
The Division continues to explore options to make it easier for PDMP users to register. One possible option includes linking data from the existing Division licensing database with the PDMP software to verify credentials. However, it is premature to confirm this as a possible solution.

Does the PDMP Software have an Application Program Interface (API) that electronic medical system providers can utilize to upload the required data to the database?

The new PDMP software vendor, APRISS, has the capability and has been providing it in some circumstances. The Gateway module is included in the current contract, however, individual entities would be required to pursue the capability with the vendor at a cost to the entity. Legislative authority is needed to permit delegate reporting in this manner.

We hope this helps to answer some of the questions posed in committee and effectively express the Division's concerns about the bill. If you or any members of the committee have further questions or require additional information about anything provided here, please contact DCCED Special Assistant Micaela Fowler at 465-2503.

Sincerely,



Janey Hovenden
Director