

CS FOR HOUSE BILL NO. 195()

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES MINA, Gray, Prax

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to collaborative practice agreements for pharmacists; relating to the**
2 **prescription and administration of drugs and devices by pharmacists; relating to**
3 **reciprocity for pharmacists; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 08.02 is amended by adding a new section to article 3 to read:

6 **Sec. 08.02.150. Regulation of collaborative practice agreements.** (a) The
7 department or a board may not

8 (1) require a pharmacist to pay a fee to enter into, or provide patient
9 care services under, a collaborative practice agreement;

10 (2) require department or board approval of a collaborative practice
11 agreement;

12 (3) define the nature and scope of patient care services a pharmacist
13 provides under a collaborative practice agreement; or

14 (4) otherwise regulate collaborative practice agreements.

(b) In this section,

(1) "collaborative practice agreement" means a collaborative practice agreement authorized under AS 08.80.337(a); and

(2) "patient care services" has the meaning given in AS 08.80.337(d).

* **Sec. 2.** AS 08.80.030(b) is amended to read:

(b) In order to fulfill its responsibilities, the board has the powers necessary for implementation and enforcement of this chapter, including the power to

(1) elect a president and secretary from its membership and adopt rules for the conduct of its business;

(2) license by examination or by license transfer the applicants who are qualified to engage in the practice of pharmacy;

(3) assist the department in inspections and investigations for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations to carry out the purposes of this chapter;

(5) establish and enforce compliance with professional standards and rules of conduct for pharmacists engaged in the practice of pharmacy;

(6) determine standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, including the specification and enforcement of requirements for practical training, including internships;

(7) establish for pharmacists and pharmacies minimum specifications for the physical facilities, technical equipment, personnel, and procedures for the storage, compounding, and dispensing of drugs or related devices, and for the monitoring of drug therapy, including independent monitoring of drug therapy;

(8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

(9) license and regulate the training, qualifications, and employment of pharmacy interns and pharmacy technicians;

(10) license and regulate the qualifications of entities and individuals

1 engaged in the manufacture or distribution of drugs and related devices;

2 (11) establish and maintain a controlled substance prescription
3 database as provided in AS 17.30.200;

4 (12) establish standards for the independent prescribing and
5 administration of vaccines and related emergency medications under AS 08.80.168,
6 including the completion of an immunization training program approved by the board
7 and an epinephrine auto-injector training program under AS 17.22.020(b);

8 (13) establish standards for the independent prescribing and dispensing
9 by a pharmacist of an opioid overdose drug under AS 17.20.085, including the
10 completion of an opioid overdose training program approved by the board;

11 (14) require that a licensed pharmacist who **prescribes, administers,**
12 **or** dispenses a **schedule IA, IIA, IIIA, IVA, or VA controlled substance under**
13 **state law or** schedule II, III, [OR] IV, **or V** controlled substance under federal law to a
14 person in the state register with the controlled substance prescription database under
15 AS 17.30.200(n);

16 (15) establish the qualifications and duties of the executive
17 administrator and delegate authority to the executive administrator that is necessary to
18 conduct board business;

19 (16) license and inspect the facilities of pharmacies, manufacturers,
20 wholesale drug distributors, third-party logistics providers, and outsourcing facilities
21 located outside the state under AS 08.80.159;

22 (17) license Internet-based pharmacies providing services to residents
23 in the state;

24 (18) adopt regulations pertaining to retired pharmacist status.

25 * **Sec. 3.** AS 08.80.110 is amended to read:

26 **Sec. 08.80.110. Qualifications for licensure by examination.** An applicant
27 for licensure as a pharmacist shall

28 (1) be fluent in the reading, writing, and speaking of the English
29 language;

30 (2) be a graduate of a college in a degree program approved by the
31 board;

1 (3) pass an examination or examinations given by the board or
2 acceptable to the board under the score transfer process administered by the National
3 Association of Boards of Pharmacy;

4 (4) have completed internship training or another program that has
5 been approved by the board or demonstrated to the board's satisfaction that the
6 applicant has experience in the practice of pharmacy that meets or exceeds the
7 minimum internship requirements of the board; **and**

8 **(5) receive education in pain management and opioid use and**
9 **addiction, unless the applicant has demonstrated to the satisfaction of the board**
10 **that the applicant does not currently hold a valid federal Drug Enforcement**
11 **Administration registration number; an applicant may include past professional**
12 **experience or professional education as proof of professional competence.**

13 * **Sec. 4.** AS 08.80.145 is amended to read:

14 **Sec. 08.80.145. Reciprocity; license transfer.** If another jurisdiction allows
15 licensure in that jurisdiction of a pharmacist licensed in this state under conditions
16 similar to those in this section, the board may license as a pharmacist in this state a
17 person licensed as a pharmacist in the other jurisdiction if the person

18 (1) submits a written application to the board on a form required by the
19 board;

20 (2) is at least 18 years of age;

21 (3) possesses at the time of the request for licensure as a pharmacist in
22 this state the qualifications necessary to be eligible for licensure in this state;

23 (4) has engaged in the practice of pharmacy for at least one year
24 immediately before applying for a license under this section;

25 (5) presents proof satisfactory to the board that the person is currently
26 licensed as a pharmacist in the other jurisdiction and does not currently have a
27 pharmacist license suspended, revoked, or otherwise restricted except for failure to
28 apply for renewal or failure to obtain the required continuing education credits;

29 (6) has passed an examination approved by the board that tests the
30 person's knowledge of Alaska laws relating to pharmacies and pharmacists and the
31 regulations adopted under those laws; [AND]

1 (7) meets the requirements of AS 08.80.110(5); and

2 (8) pays all required fees.

3 * Sec. 5. AS 08.80.165 is amended to read:

4 Sec. 08.80.165. Continuing education requirements. The board shall
5 establish requirements for continuing education in pharmacy that must be satisfied
6 before a license issued under this chapter may be renewed. The continuing education
7 requirements must include at least two hours of education in pain management
8 and opioid use and addiction in the two years preceding an application for
9 renewal of a license. The board may exempt a licensee from the requirement to
10 receive at least two hours of education in pain management and opioid use and
11 addiction if the licensee demonstrates to the satisfaction of the board that

12 (1) the licensee's practice does not include pain management and
13 opioid prescription or administration; or

14 (2) the licensee does not currently hold a valid federal Drug
15 Enforcement Administration registration number.

16 * Sec. 6. AS 08.80.337(a) is amended to read:

17 (a) A pharmacist may, under a collaborative practice agreement with a written
18 protocol approved by a practitioner who is not a pharmacist, provide patient care
19 services. The collaborative practice agreement must define the nature and scope
20 of patient care services the pharmacist may provide under the agreement.

21 * Sec. 7. AS 08.80.337(b) is amended to read:

22 (b) A pharmacist may independently provide patient care services for

23 (1) general health and wellness;

24 (2) disease prevention; or

25 (3) a condition that

26 (A) is minor and generally self limiting;

27 (B) does not require a new diagnosis;

28 (C) requires a new diagnosis only if

29 (i) the pharmacist uses [(B) HAS] a test [THAT IS
30 USED] to guide the pharmacist's diagnosis or clinical decision-
31 making; and

(ii) the test is waived under 42 U.S.C. 263a (Clinical Laboratory Improvement Amendments of 1988); or

(D) [(C)] falls under a statewide standing order from the chief medical officer in the Department of Health.

* Sec. 8. AS 08.80.337(d) is amended to read:

(d) In this section, "patient care services"

(1) means medical care services, including the prescription or administration of a drug or device to a patient, that are given in exchange for compensation and intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process;

(2) does not include the prescription or administration of a schedule IA or IIA controlled substance under state law or a schedule II controlled substance under federal law, unless the controlled substance is being used for treatment of an opioid use disorder in a clinic.

* Sec. 9. AS 08.80.337 is amended by adding a new subsection to read:

(e) A pharmacist prescribing or administering a drug or device under this section shall recognize the limits of the pharmacist's education, training, and experience and consult with and refer to other practitioners as appropriate.

* Sec. 10. AS 08.80.480(30) is amended to read:

(30) "practice of pharmacy" means the interpretation, evaluation, and dispensing of prescription drug orders in the patient's best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug-related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; the independent prescribing, dispensing, and administration of drugs in accordance with AS 08.80.168; providing patient care services in accordance with AS 08.80.337; the responsibility for compounding and labeling of drugs and devices except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices; and maintenance of proper records for them;

1 * **Sec. 11.** AS 08.80.480 is amended by adding a new paragraph to read:

2 (40) "opioid" includes the opium and opiate substances and opium and
3 opiate derivatives listed in AS 11.71.140 and 11.71.160.

4 * **Sec. 12.** AS 08.80.337(c) is repealed.

5 * **Sec. 13.** This Act takes effect January 1, 2027.