

BOARD of Pharmacy

A PERFORMANCE REVIEW
OF THE
BOARD OF PHARMACY

October 30, 1978

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Development

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STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811


October 30, 1978

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Titles 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A PERFORMANCE REVIEW
OF THE
BOARD OF PHARMACY

October 30, 1978



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), a review of the Board of Pharmacy was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Pharmacy should be reestablished. The law currently specifies that this Board will terminate on June 30, 1979, but will continue until June 30, 1980 for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) Interviews with Board members and questionnaires sent to the Board;
- (3) Interviews with health agencies and professional associations;
- (4) Tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) Interviews with OL employees;
- (6) Complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office; and
- (7) Questionnaires sent to state licensed pharmacists.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor

has it developed and reported performance information regarding its effectiveness and accomplishments as required by AS 37.07.090.

- (2) The Division of Occupational Licensing has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out their administrative responsibilities.

ORGANIZATION AND FUNCTION

The Board of Pharmacy is a regulatory board with seven members; five pharmacists licensed in the State having 3 three years practical experience, and two public members with no direct financial interest in the health care industry. It is desired to have each of the four judicial districts represented by at least one Board member.

The Board regulates six groups engaged in pharmacy in the State; pharmacists, intern pharmacists, retail pharmacies, wholesale pharmacies, drug rooms, and shopkeepers. The function of the Board is to determine the minimum quality of pharmacy in the State by:

1. Examining and issuing licenses to qualified applicants;
2. Establishing or amending rules and regulations necessary and desirable to enforce State statutes; and
3. Holding hearings in order to revoke, annul or suspend the license of a person violating the pharmacy statutes and regulations.

Applicants for registration as a pharmacist are required to pass an examination by a board of pharmacy approved by the National Association of Boards of Pharmacy (NABP). Those seeking registration in Alaska by examination must also pass a prescription and jurisprudence examination for Alaska. It is required that this segment be graded by a Board member residing in a different judicial district than the applicant.

Statutes have given the Board the power to waive the examination if applicants meet certain qualifications in order to grant a license by endorsement. A temporary license, valid for three months or until the next regular Board meeting, whichever is longer, may be issued upon certification by a Board member of a written or oral exam passage and meeting other certain qualifications. Another waiver is an emergency permit, which requires proof of holding a license in good standing in a state recognized by NABP. This permit is valid for a period not to exceed 60 days.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these decisions, the legislative oversight committees should take into consideration the findings and alternatives presented in this report so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Pharmacy should continue to be the body that regulates and licenses its profession. The regulation and licensing of the professionals, pharmacies and drug rooms is necessary to protect the public health, safety and welfare.

The practice of pharmacy is regulated by the Alaska State Board of Pharmacy. Also, the Board is required to license shopkeepers dispensing non-prescription drugs. Because the practice of pharmacy affects the public's health, safety and welfare, we believe pharmacists should be subject to regulations and controls. The establishment of minimum educational and experience requirements provides the public with a reasonable assurance that persons licensed are qualified. In addition, an active investigation of complaints assures the public that those licensed continue to practice in a competent manner. In our opinion, these functions have been performed by the Board of Pharmacy.

However, we are making recommendations which, if implemented, will improve the effectiveness of the Board in serving the Alaska public.

We recommend the Board fulfill all of its statutory responsibilities to adopt regulations, report to the Legislature, and to issue shopkeeper permits while seeking changes in the Alaska Statutes (see Recommendation No. 1).

We recommend that qualified pharmacist applicants, who are licensed in another state, but who have not had 540 hours of postgraduate internship, be licensed. In addition, we recommend licensed pharmacists be required to demonstrate continued competency through continuing education or re-examination (see Recommendation No. 2 and 3).

We recommend that the Board comply with statutory requirements for grading examinations and establish internal controls to assure that the administration of examinations is not open to accusations of bias (see Recommendation No. 4).

We recommend legislation be considered to establish an annual inspection of pharmacies by the Board. Presently, some inspections are being performed by the Board. We recommend this program be formalized to provide additional public protection (see Recommendation No. 5).

We recommend a limitation on the consecutive number of terms a Board member can serve. Although we found many examples of commendable public service on the part of Board members, several pharmacists have complained the Board members do not represent all pharmacists (see Recommendation No. 6).

In addition, we recommend the Board promulgate regulations which will define and list examples of acts by pharmacists which should be considered licensing violations (see Recommendation No. 7).

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 8 are addressed to the Board of Pharmacy. Findings and Recommendations No. 9 and No. 10 are addressed to the Division of Occupational Licensing (OL) and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978", issued under separate cover.

Recommendation No. 1

The Board of Pharmacy should fulfill all of its statutory responsibilities while seeking necessary statutory changes.

The Board of Pharmacy has not:

- A. Issued a list of potentially dangerous ingredients or preparations that may be sold only under the direct supervision of a licensed pharmacist as required by AS 03.80.040(6).

In 1974, the Board issued proposed regulations which listed potentially dangerous ingredients and preparations which could be sold only under the direct supervision of a licensed pharmacist. The proposed regulations also included a list of non-prescription drugs which could be sold by stores other than licensed pharmacies, provided those stores had a State issued shopkeepers permit.

Due to the potential anti-competitive effect of these regulations, they were not approved by the Department of Law. We agree the regulations would have restricted competition and reduced the availability of non-prescription drugs.

The need for additional controls on non-prescription drugs, preparations and ingredients is questionable. The public protection afforded by additional controls, especially those mandated by AS 08.80.040(6) is not likely to outweigh the anti-competitive effects and the reduced availability of non-prescription drugs. As a result, repeal of AS 08.80.040(6) should be considered.

If state drug laws, in conjunction with Federal drug laws, do not adequately protect the public, revision of those statutes should be considered. This might be accomplished by the adoption of a

uniform Controlled Substances Act, as recommended by the Board of Pharmacy.

If AS 08.80.040(6) is not repealed, the Board of Pharmacy, with the help of the Department of Law, should prepare regulations addressing potentially dangerous ingredients and preparations which are not anti-competitive and are consistent with other State and Federal drug laws.

- B. Issued shopkeeper permits as required by AS 08.80.040(7).

Currently, the Board is recommending the repeal of the statutes requiring permits for shopkeepers who dispense non-prescription drugs. We agree that this permit is not needed. The issuance of a shopkeepers permit to a grocery store that sells aspirin increases government, business and individual costs while doing little to protect the public.

Repeal of the statutes relating to the issuance of shopkeeper permit should be considered. However, if these statutes are not repealed the Board should begin issuing the shopkeeper permits.

- C. Adopted into their regulations a schedule of fines for violation of the substitution statute as required by AS 08.80.460.

Adequate enforcement of protective regulations requires the adoption of penalties for violations. Although the Board approved a schedule of fines in January, 1977, OL did not draft regulations for Board approval and public hearings.

- D. Submitted an annual report to the Legislature on the condition of pharmacy within Alaska as required by AS 08.80.040(4).

Although the Board requested OL to prepare the 1976 report the last report submitted was for 1974.

The annual report to the Legislature can be used to advise the Legislature of the Board's goals and achievements as well as the current problems and needs, especially statutory changes needed within the pharmacy profession.

In order to assure that its statutory responsibilities are fulfilled, the Board should follow up on all Board requests for OL action.

Recommendation No. 2

Consideration should be given to statutory changes needed to assure that all qualified applicants are licensed and that all licensed pharmacists remain qualified.

The following areas require consideration:

- A. The Board of Pharmacy is recommending a change in the statutes which will require 540 hours of postgraduate internship in order to be licensed by endorsement. This change will make the requirements for licensure by endorsement consistent with the basic licensure requirements. However, since 32 states do not require a postgraduate internship for licensure, the change could restrict qualified licensed pharmacists from other states from obtaining Alaska licensure.

It is the Board's policy to allow licensed work experience to substitute for a postgraduate internship requirement for endorsement purposes. We believe that this substitution provision is necessary. However, the recommendation statute change does not allow for this substitution.

If the Board's recommended changes in the endorsement requirement are adopted, they should be accompanied by a provision which allows licensed work experience to substitute for the internship.

- B. The statutes do not require a pharmacist to demonstrate continued competency in order to renew a current license. Although the Board encourages continuing education by pharmacists, it has not recommended continuing education be a requirement for licensure renewal. Nor has the Board recommended any other methods, such as a reexamination, to ensure the continued competency of licensed pharmacists.

Thirty-nine percent of the licensed pharmacists who responded to our questionnaire said they thought continuing education should be a requirement for license renewal (see Appendix F). We believe that some competency indicator is needed. In addition, competency requirements should be consistently applied, unless a hardship can be demonstrated to the Board.

A pharmacist who has not practiced for three or more years, but who has kept his license renewed can begin practicing again without proof of competency. However, if that pharmacist allows

his registration to lapse for 2 or more years AS 08.80.250 requires the pharmacist to satisfy the Board of his competence. All pharmacists' license renewals should be based on the indication of continued competency.

If continuing educational requirements are established, they should allow the Board some discretionary latitude in the application of these competency requirements. Continuing education requirements may place an undue hardship on certain rural pharmacists. Rather than deny relicensure and reduce pharmaceutical care in rural areas, the Board should be allowed the right to waive this requirement in special cases.

Recommendation No. 3

The Board of Pharmacy should ensure that all qualified applicants are licensed.

In response to our questionnaire, pharmacists stated that the Board is not following the statutes in issuing licenses. The following Board policies either support those statements or make it difficult to determine if unjustified license denial has occurred.

- A. Temporary licenses are denied to endorsement applicants contrary to the law. During the October 5, 1978 meeting of the Board, an applicant was denied a temporary license because he did not have 540 hours of postgraduate internship.

Internship is not currently a statutory requirement for licensure by endorsement. However, the Board has interpreted the law in a manner which supports their actions.

We recommend that the Board obtain a legal opinion on this matter before denying any more temporary permits on the basis of an internship requirement.

- B. It is Board policy not to accept California, Florida or Hawaii licensure for endorsement. This is because these three states do not grant licenses by reciprocity. The fact that other states restrict licensure should not justify the denial of Alaska licensure by endorsement for qualified applicants from those states. The Board should apply endorsement to qualified applicants from all states. In cases where the applicant can not show proof of qualifications, licensure should not be granted.

- C. Currently, applications are being submitted by applicants directly to Board members for processing.

It is the policy of the Board to forward the original application documents to OL.

Although there is no evidence of improprieties on the part of the Board, there is no assurance all applications are received by OL, or that the Board does not arbitrarily refuse to accept an application for licensure. In addition, because OL does not have data on applicants denied licensure, we can not determine the extent of license denial or if inappropriate denial has occurred.

Because AS 08.01.050 places this responsibility on the Department, and in order to reduce the potential for criticism, all applications for licensure should be submitted by the applicant directly to OL. This would also allow OL to generate accurate statistics on pharmacy applications and licensure.

- D. License application forms may not comply with Equal Employment Opportunity (EEO) guidelines. The forms currently used request information from the applicant which is not essential to determine an applicant's qualifications for licensure. In order to ensure that application forms do not request information which could result in unlawful discrimination of applicants, the Board should, in conjunction with the Division, seek legal council and if necessary review and revise these forms (see the OL Performance Audit Report).

Recommendation No. 4

The Board of Pharmacy should revise examination procedures to ensure conformance with Departmental policy and statutory requirements.

The following examination procedures require the Board's attention:

- A. Jurisprudence examinations are administered without the presence of a Department or otherwise independent observer. This practice leaves the Board open to accusations of partiality during the administering of examinations.

- B. Jurisprudence examinations are not graded in accordance with AS 08.80.040(1) which requires examinations to be graded by a Board member who resides in a judicial district other than the district in which the applicant resides. Although the Board has stated that the jurisprudence examination is used primarily as an educational tool, the Board has required the passage of this examination for licensure.

The Board is presently recommending the inclusion of the jurisprudence examination as a requirement for licensure by endorsement.

In light of the current use of the jurisprudence examination and the recommended statutory changes, the Board should revise their procedures to conform with the statutes in order to assure the rights of applicants.

Recommendation No. 5

Legislation is needed which establishes an annual inspection of licensed pharmacies, drug rooms and nursing home dispensaries by the Board of Pharmacy.

The Board of Pharmacy has established a pharmacy inspection program. The Board should be commended for initiating this needed program.

The current inspection program is carried out in two ways. First, retail pharmacists inspect their own stores and return a completed inspection form to the Board. Secondly, Board members perform on-site inspections of pharmacies.

In response to our questionnaire several licensed pharmacists have mentioned a need for a more extensive inspection program. Several states, such as Washington, have very extensive pharmacy inspection programs and all states have an annual pharmacy inspection. Inspections help ensure pharmacies are sanitary, sufficiently equipped and that drugs are dispensed according to the law.

The Board could carry on a systematic annual inspection of pharmacies for a reasonable cost. By continuing to utilize Board member expertise, a comprehensive program could be implemented for an estimated \$5,500 in per diem and \$6,000 in travel expenses. This is substantially less than hiring a full-time pharmacy inspector, at an estimated cost of \$60,000.

Specific legislation is needed to clarify the Board's authority to perform and require a pharmacy inspection. A possible method

off-setting the cost of an inspection program would be to require an annual inspection fee from pharmacies doing business in the State.

Recommendation No. 6

Board appointment policies and a code of conduct for Board members should be developed, documented and adopted.

Currently several conditions exist within the Board of Pharmacy which should be noted:

- A. Board membership does not represent all segments of the pharmacy profession. Hospital and employee pharmacists are not represented by Board membership.
- B. By the time current terms expire, one Board member will have served 20 consecutive years on the Board while two other members will have served fifteen consecutive years. In addition, a previous Board member served for twenty-five consecutive years.
- C. Of the members of the Board, two are public members and five are licensed pharmacists.

In response to our questionnaire, several licensed pharmacists said the Board should be more representative of the profession and there should be increased opportunities to serve on the Board. We agree that a regulatory board should have reasonable turnover in membership. This could be accomplished by limiting appointments to two consecutive terms. However, this should not be considered criticism of the individual members. In our review, we found many examples of commendable public service and self-sacrifice on the part of the Board members.

Because the regulations, and policies of the Board of Pharmacy have a substantial impact on the health, welfare, and ultimately the pharmaceutical costs paid by the public, the use of additional public members is desirable. Knowledgeable active public members provide a valuable point of view otherwise absent on a board on which a substantial majority of the members are license holders.

In addition to improving membership appointment policies a code of conduct for Board members needs to be set down in writing by OL. The Board has an unwritten code of ethics within its membership. There is evidence that this code has been adhered to in numerous cases.

The development and adherence to a formal code of ethics is essential for a regulatory board to ensure conflicts of interest do not occur. The Board of Pharmacy has established an example which should be followed by all boards (see the OL Performance Audit Report).

Recommendation No. 7

The Board of Pharmacy, in conjunction with the Attorney General, should compose formal regulations which define and list examples of license violations.

Alaska Statute 09.80.260 outlines pharmacist license violations which are grounds for the suspension or revocation of a license. The list includes vague terms such as "moral turpitude" and "conduct or habits inconsistent with professional standards", which many pharmacists probably would not understand without a lawyer's advice.

Presently, the Board has not clarified or given examples of violations of "moral turpitude" or "conduct or habits inconsistent with professional standards" in their regulations. The public and the pharmacy profession would be better protected if licensed professionals had better guidance as to what are prohibited acts.

There are several practices which may be covered under "conduct or habits inconsistent with professional standards" which are not specifically listed as licensing violations. Such practices by pharmacists include, but are not limited to:

- A. Entering into fee sharing agreements with prescribers;
- B. Refusing to provide services to any group of people or organization based on race, religion, creed or ethnic background;
- C. Attempting to diagnose, treat or prescribe for diseases or illnesses; and
- D. Engaging in false or misleading advertising.

Clearer definitions of improper professional acts would also make it easier for the investigators to determine if a complaint involves a licensing violation (see the OL Performance Audit Report).

Recommendation No. 8

The Board of Pharmacy should establish formal goals, objectives and quantifiable measures which should be included in the OL's budget document.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. With goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL established its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance (see the OL Performance Audit Report).

Recommendation No. 9

OL should issue licenses only after the Board, with a quorum present, approves licensure as documented in the meeting minutes.

The Division issues licenses to pharmacists without the documented approval of the Board. Licenses are issued upon the authorization of the Board secretary after he determines an applicant's file is complete and other Board members are notified.

AS 08.80.040 directs the Board to issue licenses. This requires a meeting with a quorum present. Licensing documents should be reviewed by all Board members present at such a meeting in order to ensure adequate review. Action on the individual applicants should be recorded in the meeting minutes.

In order to document for the public record license approvals, as well as other important issues discussed during Board meetings, the Division should include adequate detail of the Board proceedings in the Board minutes. Minutes of past Board meetings do not include enough detail to determine the substance of Board actions.

We recommend that the Board, in coordination with the Division, revise their procedures in order to avoid potential criticism of licensing improprieties and to provide an adequate record of Board action (see the OL Performance Audit Report).

Recommendation No. 10

OL should collect, record and maintain for a five year period files and statistics of license and testing applicants and related workload of the licensing examiner.

The Division needs relevant facts and statistics for evaluating the performance of their personnel and Board activity. Many past records have not been collected and maintained, such as:

1. Number of persons licensed by the Board in past years;
2. Records of those applicants failing the examination;
3. Number of applicants denied the chance to take the examination due lack of qualifications;
4. Number of complaints and criticisms about the performance of the Board and its staff;
5. Correspondence workload of license examiners; and
6. Number of persons requesting applications.

It is to the advantage of the Division to keep these records in order to support their budget request, evaluate their personnel and keep the Board informed as to their progress. Also, feedback from the Board and the public should be encouraged so as to determine whether staff performance is adequate (see the OL Performance Audit Report).

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative attainments as Board activities relate to the public need factors defined in the "Sunset" law. These analyses are not intended to be comprehensive in nature, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The following demonstrate the Board's performance in the public's best interest.
 1. The Board has held an average of two meetings a year in various locations in Alaska.
 2. The Board has established and adhered to a Code of Ethics for Board members.
 3. The Board provides a national examination once a year.
 4. The Board has also attempted to pass regulations for potentially dangerous ingredients and fines for violations of the substitution statute.
 5. The Board has written proposed regulations for the Medical Board for physician assistants.
 - B. The Board members' personal actions have been commendable and in the best interests of the public. We observed several examples of self-sacrifice, and of placing the needs of the public before the needs of the profession.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The following enhanced the performance of the Board of Pharmacy:
 1. Active knowledgeable Board members seeking to assure that pharmacy is practiced in the best interest of the public (see Appendix F).

2. The Board received funding and support from OL in the amount of \$17,500 (see Appendix A).
- B. The following practices have impeded the Board's performance:
1. The investigative staff has not informed the Board of all licensing complaints (see the OL Performance Audit Report).
 2. The Board believed that OL has not been able to provide adequate support, for example regulations passed were not drafted for public hearings (see Recommendation No. 2).
 3. There has been a high turnover in clerical support in OL hindering the Board performance. One member believed that a full-time clerical support position would enhance the Board's performance.
 4. Alaska's drug laws do not agree with federal drug laws creating conflicting legal requirements for pharmacists.

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

- A. The Board of Pharmacy has recommended many statutory changes which are generally of benefit to the public interest. The following is a brief summary. Some recommendations have been made several times.
1. The Board has requested that Title 17 be deleted and that the Uniform Controlled Substance Act be adopted.
 2. The Board requested additional authority to investigate improper practices of pharmacy (AS 08.80.030(c)).
 3. The Board has requested physicians be required to label prescriptions (AS. 08.80.400).
 4. The Board has requested that shopkeeper permits not be required (AS 08.80.040).
 5. The Board recommended fines for noncompliance with the substitution law (AS 08.80.295).
 6. The Board has requested statute changes to require applicants licensed by endorsement to pass a Jurisprudence Examination (see Recommendation No. 4).

- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
- A. We found no evidence the Board has encouraged interested persons to report to it. The minutes are not sufficient to determine the extent of public participation. We were told by the Board members that they encouraged public participation, and that concerned persons had reported to the Board.
- B. The Board members did not believe that it was a Board function to increase the availability of pharmacists in the State (see Appendix E).
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
- A. The Board's meetings, examinations, and public hearings are advertised in newspapers, by OL, to encourage public participation. There were cases noted where two tests were advertised 12 days or less before the examination was given. This is clearly not a sufficient time lapse. We found no other indication the public has been encouraged to participate (see the OL Performance Audit Report).
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
- A. The only complaints we became aware of concerning the Board were from persons responding to our questionnaire. There were two areas of concern:
- 1) The board membership does not reflect the employee pharmacists and hospital pharmacists (see Recommendation No. 6 and Appendix F).
 - 2) The board inspection program is not sufficient to protect the public (see Recommendation No. 5 and Appendix F).

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

- A. The Board has actively pursued complaints and inquiries. We observed cases where the Board has personally investigated complaints.
- B. The Board has assigned one member to work with the investigative staff to provide technical assistance.
- C. The Board has issued 136 permanent licenses, 16 honorary licenses, and 1 temporary permit in the past four years.
- D. In Anchorage, the Board members have developed a "Hot Line" by which all pharmacists in the area can be alerted of potential problems.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

- A. Applications require unnecessary information such as an applicant's sex, age, picture, past convictions. This is in violation of the Equal Employment Opportunity requirements. However, this information may be necessary to confirm an applicant's qualification. We have recommended the Board seek legal counsel to determine if they are in compliance. (see Recommendation No. 3 and the OL Performance Audit Report).

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the recommendation section of this report, and the OL Performance Audit Report.

APPENDIXES

APPENDIX A

BOARD OF PHARMACY
REVENUES COMPARED WITH EXPENDITURES
Fiscal Year 1978
(UNAUDITED)

Average Revenue (See Schedule 1 and Note 1)	\$12,400
Expenditures (See Note 2)	<u>17,500</u>
Excess of Expenditures Over Revenues	<u><u>\$(5,100)</u></u>

Schedule 1
Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Pharmacist</u>		
Pharmacy Intern Registration Fee	\$10	Upon intern application
Examination Fee	50	Application for examination
Reexamination Fee	15	Reexamination within one year
Reciprocity Investigation Fee	25	Application for licensure by reciprocity
Temporary License Fee	10	Issuance of temporary license
Emergency Permit Fee	10	Issuance of emergency permit
Pharmacist License	50	Biennially
<u>Pharmaceutical Distributor</u>		
Wholesale Drug Dealer License Fee	50	Biennially
Retail Pharmacy License Fee	50	Biennially
Hospital Pharmacy License Fee	50	Biennially
Hospital Drug Room License Fee	25	Biennially
Nursing Home In-patient Distribution License Fee	25	Biennially
Shopkeepers Permit (see Note 3)	10	Biennially
<u>General</u>		
License Amendment or Replacement Fee	2	Upon reissuance of license

Note 1

Most of the pharmacy revenues are composed of renewal registration fees. These fees are collected once every two years

and cause revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in Fiscal Year 1977 and 1978 in order to obtain an accurate representation of collected revenues.

Note 2

Expenditures included those made by Board members, such as travel and per diem and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

Note 3

Shopkeepers permits have not been issued.

APPENDIX B

ADMINISTRATIVE STATISTICS

	<u>Through June 30, 1978</u>
<u>Licensed Pharmacists in Alaska</u>	
Pharmacists licensed and working in Alaska	179
Out-of-State pharmacists licensed in Alaska	<u>103</u>
<u>Total pharmacists licensed in Alaska</u>	<u>282</u>
<u>Pharmacies in Alaska</u>	
Retail pharmacies in Alaska	73
Wholesale pharmacies in Alaska	<u>3</u>
<u>Total Pharmacies in Alaska</u>	<u>76</u>
<u>Drug Rooms in Alaska</u>	
Hospital drug rooms in Alaska	11
Nursing Home drug rooms in Alaska	<u>3</u>
<u>Total Drug Rooms in Alaska</u>	<u>14</u>

APPENDIX C

COMPARISON OF ALASKAN PRESCRIPTION PRICES
TO SEATTLE AREA PRESCRIPTION PRICES
 (see Note 1)

<u>Description</u>	<u>Average Prices</u>		<u>Alaska % of Seattle</u>
	<u>Alaska</u>	<u>Seattle</u>	
1. Nitroglycerine tablets, 1/100 gr., 100 tablets	\$ 3.33	\$ 3.04	110%
2. Erythromycin tablets, 250 mgm, 50 tablets	9.39	8.13	115%
3. Ampicillin capsules, 250 mgm, 50 capsules	8.63	7.91	109%
4. Benadryl (Diphenhydramine), 25 mg, 50 capsules	4.50	4.47	101%
5. Potassium penicillin G tablets, 200,000u, 50 tablets	4.45	5.02	89%
6. Benadryl (Diphenhydramine), Elixir-12.5 mg/cc, 6 oz.	4.06	4.18	97%
7. Cortisporin (Polymyxin B-Neomycin), ear drops, 10 cc	6.58	5.90	112%
8. Kwell (Gamma Benzene), lotion 1%, 2 oz.	4.25	4.02	106%
9. Neosynephrin (Phenylephrin HCL), nose drops 1/4%, 4 oz.	1.72	1.72	100%
10. Povon (Pyruinium Pamoate), suspension, 10mg/cc liquid, 6 oz.	17.43	14.15	123%
11. Cortefacetate (Hydrocortisone) 1%, ointment, 2oz.	8.82	6.64	133%
<u>Total Actual Costs</u>	<u>\$73.16</u>	<u>\$65.18</u>	<u>112%</u>

Note 1

Prices were averaged from questionnaires returned to Legislative Audit. Alaska prices were not segregated by region because there was no significant difference in prices by region.

APPENDIX D

PHARMACY INSPECTION FORM
ALASKA BOARD OF PHARMACY

DATE OF INSPECTION: _____

+++++

PHARMACY NAME: _____ STREET ADDRESS: _____ CITY: _____

MAILING ADDRESS: _____ PHONE NUMBER: _____ PHARMACY LICENSE #: _____

DISPLAYED: YES NO DEA REGISTRATION #: _____ PHARMACY OWNER/PHARMACY MGR. NAME: _____

PHARMACY OWNER/PHARMACY MANAGER LICENSE NUMBER: _____ DISPLAYED: YES NO

+++++

PHARMACY CATEGORY: COMMUNITY PHARMACY (ONE OR TWO STORES)
CHAIN PHARMACY (THREE (3) OR MORE STORES)
HOSPITAL PHARMACY
NURSING HOME PHARMACY
NURSING HOME OR HOSPITAL DRUG ROOM (LEGEND DRUGS
IN BULK SUPPLY

PHARMACY OPEN ALL HOURS REMAINDER OF STORE IS OPEN: _____

PHARMACY SOMETIMES CLOSED AND REMAINDER OF STORE IS OPEN: _____

IF PHARMACY CLOSED WHEN REMAINDER OF STORE IS OPEN: _____

- 1.) IS PRESCRIPTION DEPARTMENT LOCKED AND SEPARATE ENTRANCE PROVIDED: _____
2.) IS PHARMACIST-OWNER/MANGER IN POSSESSION OR CONTROL OF KEYS
TO PRESCRIPTION DEPARTMENT: _____
3.) ARE SIGNS OVER PRESCRIPTION DEPT. AREA ONLY: _____
4.) IS ALL OTHER ADVERTISING CORRECT: _____

ONE PHARMACY COMMUNITIES OR TOWNS: _____

- 1.) IS PRESCRIPTION DEPARTMENT LOCKED AND PROPER SECURITY OF LEGEND
& CONTROLLED DRUGS MAINTAINED WHEN PHARMACIST IS OUT OF PHARMACY
BUT ON CALL: _____

LIBRARY: USP CNF _____
OR: UNITED STATES DISPENSATORY _____ OR REMINGTONS PRACTICE OF
PHARMACY _____

(NOTE: MUST HAVE BOTH OF FIRST 2 ABOVE OR ONE OF LAST 2 ABOVE)

EQUIPMENT: GRADUATES _____ TYPEWRITER _____
MORTER & PESTLES _____ NUMBERING MACH. _____
SPATULAS METAL _____ NON METAL _____ LABELS _____
FUNNELS _____ REFRIGERATOR _____
STIRRING RODS _____
OINTMENT SLAB OR PAPERS _____
PRESCRIPTION FILES (PROPERLY MAINTAINED) _____
SCALES & WEIGHTS(CAPABLE OF # 11) _____

SANITATION: 1.) LAVATORY IN CLOSE PROXIMITY TO RX DEPARTMENT. _____
2.) SEPARATE SINK WITH HOT & COLD WATER IN RX DEPARTMENT _____
3.) GENERAL CLEANLINESS CONDITION _____
4.) TRASH RECEPTACLES _____
5.) PERSONAL APPEARANCE OF STAFF _____

PRESCRIPTION DEPARTMENT: 1.) ADEQUATE WORKING SPACE _____
2.) ADEQUATE LIGHTING _____
3.) DEA (CLASS II) FILE _____
4.) POISON REGISTER BOOK _____
5.) CLASS (V) REGISTRATION BOOK _____

LIST OF INFRACTIONS NOTED & COMMENTS OF INSPECTORS: _____

TIME GIVEN FOR PHARMACY TO COMPLY AND CORRECT INFRACTIONS: _____

BOARD MEMBERS NAME: _____

BOARD MEMBERS NAME: _____

APPENDIX E

QUESTIONNAIRE FOR MEMBERS OF THE
BOARD OF PHARMACY
(See Note 1)

Please answer the following questions as completely as possible. The answers will help us to evaluate the Board's activities.

1. What do you believe to be the goals and objectives of the Board of Pharmacy?
 - A. *The number one justification for the existence of a Board of Pharmacy is for the protection of the public. All goals and objectives have to be subordinate to and compatible with this protection of the public.*
 - B. *Examine applicants for registration as pharmacists and grant certificates of registration only to those who meet standards as to education and training, and who are of good moral character and free from addiction to drugs or alcohol.*
 - C. *Examine intern applicants and register them as intern pharmacists, only after research as to qualifications, education, moral character as above for pharmacists.*
 - D. *Investigate individually or collectively, or through its agents, for violations of the pharmacy laws of both State and Federal government.*
 - E. *Follow a legend drug and or controlled substance through the various channels from suppliers, to wholesalers, to retail pharmacies, to physicians, and finally to the ultimate user so that this distribution is done in compliance with the various laws of the State and nation, and the incidence or opportunity of diversion of these dangerous drugs is kept at a minimum.*
 - F. *Through association with the National Board of Pharmacies, keep up with all national laws and keep alert for forged documents and those with drug and alcohol problems and even addicts who might attempt to practice pharmacy in this State to the detriment of the people of the State.*
 - G. *Inspecting pharmacies to assure that they are clean and have the necessary equipment to properly fill prescriptions.*

2. How does the Board measure its progress in meeting its goals and objectives?
- A. *The Board conducts entrance examinations annually for those graduates of pharmacy schools desiring to practice in Alaska.*
 - B. *The Board provides self-examination forms for self-inspection, and periodic on-site inspections are made by Board members.*
 - C. *The number of regulations considered, rewritten and passed.*
 - D. *The volume of business conducted by the Board at the meetings.*
 - E. *The Board has received very few complaints on the profession.*
3. Is the staff from the Department of Commerce and Economic Development and/or other departments adequate to perform and enforce all laws and regulations relating to the Board of Pharmacy? What staff support services are provided adequately/inadequately? Are investigations performed adequately/inadequately?
- A. *The staff from Department of Commerce and Economic Development is inadequate to perform and enforce all of the laws and regulations pertaining to the practice of Pharmacy. Having Board members in various cities around the State amounts to have a State official in the areas at a fraction of the cost of maintaining a permanent employee.*
 - B. *Investigations performed by the Department are thorough, but the caseload per investigator is such that investigations are sometimes delayed.*
4. What evidence exists demonstrating that the absence of pharmacy regulations and/or the Board would be detrimental to the public's best interest?
- A. *The Board has intercepted and rejected licenses for a number of people who could definitely be detrimental to the public's best interest. I do not believe that these people would have been rejected had the Board not investigated them carefully and stood firm in its decision when we felt they were not qualified.*

- B. *The fact that the Board has intercepted a good number of bad actors over the years is the best answer to this question. Without knowledgeable interrogation and investigation, with co-operation of the NABP and other State boards, we would now have a good number of bad actors practicing in Alaska who in a short time could do a great deal of damage, both to themselves and the public. The Board's record on this is good and it is our belief that this could not be done by non professionals with a degree of success that we have enjoyed.*
- C. *Even in the pipe line boom times when every shady character in the profession was in and out of Alaska, our record is good, and we did not license pharmacists to practice in this State who where not of good moral character and fully qualified.*
5. Are there any statutes or regulations that you believe to be obsolete, vague, unduly restrictive, and/or inadequate to provide the Board with the responsibility and power to properly govern the purpose and activities of the Board? Please list and explain.
- A. *Most of the members of the Board of Pharmacy believe that the best laws are the least laws that will do the job and that the people of the State and the regulations themselves will benefit from clear, concise, and needed laws and regulations. But, that we do not need a vast number of restrictive and unnecessary laws or regulations.*
- B. *The most pressing need is for a Uniform Controlled Substance Act that closely parallels the Federal law. This will allow the State to prosecute violations at the State level without involving Federal Law anymore than possible, particularly if both laws are much the same. Our Controlled Substance Laws are obsolete and must be rewritten soon.*
- C. *The Board of Pharmacy should take an active part in the writing of these laws and can be a great help to those in the Legislature who are considering the Controlled Substance Law Revision.*
6. Based on the March 15, 1978 Attorney General's Opinion that AS 08.80.420(b), which prohibits pharmacists from advertising, is unconstitutional, do you believe it is necessary for the Board of Pharmacy to seek legislation to prohibit pharmacists from using false or misleading advertising?

Yes it is necessary. When a highly professional service is advertised or a product that is difficult for trained people to fully understand, such as most of the complicated drugs used today, it is necessary that regulations be written to prevent the public from being victimized or even "talked into" using drugs that they really do not need. Some of the very dangerous tranquilizer drugs that have a key place in certain aspects of medical science, should not be advertised as a cure all for those who might think they need this type of medication, without also informing the public of the many and complicated side effects of these drugs. Tremendous pressure could be put on physicians by patients who believe the glib TV ad or the glossy magazine or newspaper advertising. This type of advertising, tied to a price, could be detrimental to many people.

7. Presently, there is approximately 1 pharmacist to every 2,600 persons in Alaska, while the national average is 1 pharmacist to every 1,800 persons.

A. Do you believe more pharmacists are needed in Alaska?

1. Yes.....but this should be done by those needing the pharmacists. The Board should aid all those involved, and process applications thoroughly, but expediently, when application is made, but should not enter into a tax funded program to solicit pharmacists.
2. There seems to be an adequate number of pharmacists to serve the people of Alaska. Possibly the disparity between the Alaska and national average is the lack of density of the Alaska population.

B. Do you believe it is the Board's responsibility to actively recruit additional qualified pharmacists for Alaska?

The members do not believe that the Board should recruit pharmacists or act as an employment bureau.

8. Presently, the Board is composed of five pharmacists and two public members. Do you believe an increased number of public members would tend to make the Board:

	<u>Number Responding</u>
A. More receptive to public need.	-0-
B. Less receptive to public need.	1
C. No change.	2

Probably "C" above would apply. However, "B" might prove to be a fact. Two lay persons are really enough to assure full protection from an over profession oriented board. A further dilution of knowledgeable professionals would probably also dilute the effectiveness of the Board and slow the process of registration. Two lay people can be educated to the real needs of the Board as it serves both the profession, from a licensing standpoint, and the people, from a protection standpoint and any addition of lay people would be nonproductive.

Note 1

A digest of the Board's comments was prepared by the Auditors. Four of the seven Board members assisted us by answering our questions and by supplying us with supplemental information. Other Board members provided us with verbal response to questions, and assisted by providing us with supplemental information.

APPENDIX G

PHARMACIST'S QUESTIONNAIRE
(See Notes 1 and 2)

Name (Optional): _____

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
1. Have you been able to attend any continuing education seminars or classes within the last <u>two</u> years?	85%	15%	
2. If so, how many hours of classes have you had?	<u>22.3 hr/pharmacist</u>		
3. Do you believe that State laws should require evidence of continuing education before a pharmacist's registration and license is renewed?	39%	55%	6%
4. Do you believe adequate continuing education requires travel to areas outside of Alaska?	30%	61%	9%
5. Is the establishment of a degree program in pharmacy within the University of Alaska needed?	12%	79%	9%
6. Have you ever had any contact with the Board of Pharmacy?	77%	23%	
7. If so, was your contact with the Board concerning:			
A. Interview regarding your licensure?	58%	42%	
B. New regulations?	24%	76%	
C. Board policy?	24%	76%	
D. Investigations?	8%	92%	
E. New Legislation?	29%	71%	
F. Board inspection of your practice?	11%	89%	
G. Other (please specify): <i>Asked for clarification of laws.</i>	5%	95%	

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
8. Should the Board of Pharmacy have:			
A. A majority of pharmacists?	92%		
B. A majority of public members?	0%		
C. An equal number of pharmacists and public members?	8%		
9. Do you believe the Board of Pharmacy has operated in the public's best interest?	77%	8%	15%
10. Would the absence of the Board be detrimental to the public's best interest?	94%	3%	3%
11. Are there any statutes or regulations that are obsolete, vague, or unduly restrictive?	30%	21%	49%
Please specify: <i>A need for regulations to comply with Federal regulations, especially the Controlled Substance Act. To revise statutes and regulations to clarify intent and legality in areas of discretion.</i>			
12. Are there any additional statutes, regulations or licensing requirements needed to ensure the public is adequately protected?	26%	36%	38%
Please specify: <i>Three main concerns are: 1) Inspections of pharmacy, 2) Drug Stores to be pharmacist-owned, 3) Limit over availability of drugs by strict control of "who" dispenses "what".</i>			
13. Does Alaska need a state pharmacy law similar to the Federal Law?	38%	36%	26%

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
15. Do you believe that all geographical areas within the State have adequate access to pharmaceutical services?	30%	40%	30%
If not, note areas you believe need more care: <i>Remote areas and native villages can not support a full-time pharmacist - we should make use of Public Health in this respect and support it.</i>			
16. A March 15, 1978 Attorney General Opinion states AS 08.80.420(b), which prohibits pharmacists from advertising, is unconstitutional. Have you changed or do you anticipate changing your advertising policy as a result of this opinion?	5%	64%	31%
17. Is the licensing of shopkeepers needed to protect the public?	61%	24%	15%
18. Do you have any complaints concerning the service provided by the staff support of the Division of Occupational Licensing, Department of Commerce and Economic Development?	14%	65%	21%
Please specify: <i>They are slow in acting, especially on applications and licenses. Many pharmacists would like the Division to supply them with copies of the current laws.</i>			
19. Are you aware of any discriminatory practices involving licensing or investigations of the Board?	2%	92%	6%
20. Has the Board of Pharmacy's self-examination program effectively ensured compliance with state laws and regulations by pharmacists and pharmacies?	45%	11%	44%
21. Is the requirement to maintain a notebook detailing activities during internship a reasonable requirement for licensure?	63%	23%	9%

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
22. Should a previously licensed pharmacist who has not been licensed for 3 or more years be required to take an oral examination before the Board?	77%	18%	5%
23. Should the Board be involved in consumer complaint review for determining if a pharmacist's license should be renewed or revoked?	80%	15%	5%
24. Is the issuance of temporary permits to non-licensed pharmacist applicants in the public's best interest?	62%	27%	11%
25. Are the current reciprocity policies of the Board of Pharmacy fairly and consistently applied to all licensees seeking licensure in Alaska by reciprocity?	95%	1%	14%

If not, please comment: *Statutes discriminate against Alaska student who attend school in the lower 48 and want to return to Alaska - Board is requiring 540 hours of postgraduate internship for endorsement.*

26. Are there any alternatives to the regulation of the profession by the Board of Pharmacy which would better serve the public's interest?	14%	48%	38%
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If so, please discuss: *Board actions should be more representative of the profession and should work to enhance professionalism - these concerns do not have to conflict with the public's best interest.*

27. Any additional comments?

Many pharmacists expressed repeatedly the Board is not representative citing the following conditions:

- 1) *The non-public (professional) members of the Board are all store-owners.*
- 2) *Pharmacy chains, hospital pharmacists, staff pharmacists, independent pharmacists, employee pharmacists, and the Alaska State Pharmaceutical Association are not directly represented on the Board.*
- 3) *The Board should be rotated more often.*
 - a. *As their present terms expire, 3 Board members will have served 15 or more consecutive years on the Board.*
 - b. *Several inquired as to how one could become a Board member.*
 - c. *Progressive points of view from new sources can't be realized if they aren't given a chance to be proven.*
- 4) *Board is an elitist group whose view point is financial, not professional.*
- 5) *Both professional and consumer sectors need representation.*
- 6) *Board hasn't kept its constituency aware.*

The Board needs to take definite action toward establishing continuing education requirements, an all inclusive inspection program on a regular basis, and work to have a Controlled Substances Act passed. Several respondents wanted the Board to act on proposing legislation to establish temporary licenses for various circumstances.

Note 1

A digest of comments, provided by the profession was made by the Auditors. In addition, members of the profession supplied us with additional information to be considered in this review.

Note 2

Number of questionnaires sent	<u>124</u>
Number of questionnaires returned	<u>67</u>
Response rate	<u>54%</u>

JAY S. HAMMOND
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED

JAN 11 AM.

LEGISLATIVE
AUDIT

January 9, 1979

Mr. Gerald Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

We have reviewed your preliminary reports as shown below:

1. Board of Examiners in Optometry
2. Board of Dispensing Opticians
3. Board of Psychologist and Psychological Associate Examiners
4. Board of Chiropractic Examiners
5. Alaska State Medical Board
6. Board of Veterinary Examiners
7. State Physical Therapy Board
8. Board of Pharmacy
9. Board of Nursing
10. Board of Nursing Home Administrators
11. Board of Dental Examiners
12. Alaska Transportation Commission

We view these reviews of agency programs and activities which are specifically subject to termination in a manner different from those made of State departments or agencies. Usually we in the Executive Branch endeavor to respond directly to each finding and recommendation. However, in regard to the Boards and Commissions, the Executive Branch agency during a public hearing shall demonstrate a public need for its continued existence or the discontinuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

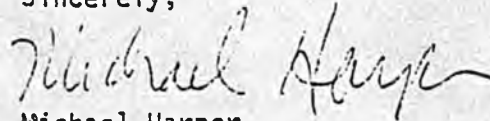
The Executive Branch of Alaska Government has made an extensive study of the above Boards and the Alaska Transportation Commission. We are continuing to study those entities, their origin, their present and future potential, and other related subjects in conjunction with Alaska statutes 24 and 44 (Sunset Legislation). As prescribed in AS 44.66.050 one or more legislative hearings are to be held to receive testimony from the public, the Commissioner of the department having administrative responsibility for each, and the members of the Boards or Commission involved. During those hearings we will present our findings and recommendations affecting each of the foregoing Boards and the Alaska Transportation Commission.

Mr. Gerald Wilkerson
Page 2

January 9, 1979

Accordingly, we are presenting this in addition to the responses from the Department of Commerce, Department of Law, and the individual Board or Commission members and others on an interim basis.

Sincerely,

A handwritten signature in cursive script that reads "Michael Harper".

Michael Harper
Administrative Assistant
to the Governor

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, Governor

POUCH D
JUNEAU, ALASKA 99811

December 15, 1978

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

The following comments are in response to the performance review of the Board of Pharmacy as submitted by the Division of Legislative Audit.

Recommendation No. 1. Agreed in that all boards should comply with statutes. The board should take further action either in promulgating the appropriate listing of dangerous ingredients or requesting a statutory change. The board has indicated that it wishes to repeal shopkeeper provisions. These subjects, the matter of a fine schedule and the board's annual report will be discussed with the board at its next meeting and will be acted upon by the division in conjunction with the board. The division will advise and provide administrative support to the board in implementing these recommendations.

Recommendation No. 2. Agreed. Applicants for licensure by endorsement or examination should be required to have substantially similar minimum qualifications.

We believe that mandatory continuing education is one method of attempting to insure that practitioners maintain some level of competency. However, special consideration would be required for the bush areas in meeting these requirements.

Recommendation No. 3. Agreed. In an effort to assure that all applicants are qualified through internship or experience the board has recommended a statutory change which would prohibit independent practice by an inexperienced graduate.

Pharmacy statutes address licensure by endorsement. If the other states' qualifications are not acceptable for licensure in Alaska, these statutes permit the board the option of not licensing individuals from those states.

Preliminary discussions have been held with the board regarding agency responsibility for applications and files. Cooperative efforts will be made to implement this recommendation.

Recommendation No. 4. Agreed. Again, discussions concerning these areas have recently been and will continue to be held with this board.

Recommendation No. 5. Agreed. AS 08.80.030(3) could be expanded to specifically provide inspection authority. However, the frequency of inspections as well as the costs involved should be seriously considered prior to the imposition of mandatory scheduling.

Recommendation No. 6. Agreed. Present statutory provisions do not preclude membership of any licensed pharmacist. We agree that there should be a turnover in membership which would facilitate broader representation and that public members on this board are desirable. We would have no objection to increasing the ratio of public to professional members but would oppose any increase in total board membership.

The division has started preliminary discussions with the Attorney General's Office on developing a code of conduct and ethics for all boards.

Recommendation No. 7. Agreed. Licensing violations should be clearly defined, however, not meant to be all inclusive.

Recommendation No. 8. Agreed. This board, as well as all boards, will be contacted in March or April 1979 for input into the division's budget for FY 1981. This input will address the boards goals, objectives, and financial needs.

Recommendation No. 9. Agreed. Action will be taken after discussion with the board, to implement this recommendation. All licensees approved or disapproved will be listed in board minutes verifying board action.

Recommendation No. 10. Agreed. Complete reorganization of files and procedures within the agency is expected to be accomplished by the end of calendar year 1979. Some changes have recently been initiated by the agency.

I appreciate the time and efforts expended by your staff.

Yours truly,



H. Phillip Hubbard
Commissioner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D - JUNEAU 19811

JANUARY 3, 1979

THE STATE OF ALASKA
AUDIT DIVISION
POUCH W ALASKA OFFICE BUILDING
BUDGET AND AUDIT DIVISION
JUNEAU, ALASKA 99801

ATTN: MR. GERALD L. WILKERSON, CPA

DEAR MR. WILKERSON;

THANK YOU FOR YOUR LETTER OF NOVEMBER 29TH REGARDING THE PERFORMANCE REVIEW OF THE BOARD OF PHARMACY. ON PAGE 1 OF YOUR REVIEW, UNDER MEMBERS OF THE PHARMACY BOARD, MR. LES ELKINS TITLE SHOULD BE VICE PRESIDENT.

ON PAGE 5 OF THE REPORT WHERE YOU STATE IT IS REQUIRED THAT THE JURISPRUDENCE EXAM BE GRADED BY A BOARD MEMBER RESIDING IN A DIFFERENT JUDICIAL DISTRICT. THIS IS NOT CORRECT. WHEN THE COMPLETE EXAM WAS ADMINISTERED IN ALASKA AND WAS GRADED IN ALASKA, THEN THIS WAS THE REQUIREMENT, HOWEVER, NOW THE EXAMS ARE GRADED BY THE TESTING SERVICE USING A COMPUTER AND OUR JURISPRUDENCE EXAM IS MERELY A PART OF THIS EXAM THAT IS REALLY NOT COVERED BY THE STATUTE.

ON PAGE 6 YOU RECOMMEND THAT QUALIFIED PHARMACISTS LICENSED IN ANOTHER STATE, BUT WHO HAVE NOT HAD 540 HOURS OF POST GRADUATE INTERNSHIP, BE LICENSED. THE BOARD HAS TAKEN THIS INTO CONSIDERATION AND HAS DEEMED IT WISE TO CONTINUE WITH THE 540 HOURS OF POST GRADUATION INTERNSHIP AT THIS TIME. THERE ARE MANY GOOD REASONS FOR THIS REQUIREMENT IN THAT MANY PHARMACISTS IMMEDIATELY TAKE OVER A PHARMACY PRACTICE IN ONE DRUG STORE TOWNS IN ALASKA AS SOON AS THEY ARE LICENSED AND IN THE BOARD'S OPINION THIS WOULD NOT BE ADEQUATELY PROTECTING THE PUBLIC TO ALLOW THIS TO HAPPEN WITHOUT THE PHARMACIST HAVING SOME ACTUAL HOURS OF EXPERIENCE IN A PHARMACY.

YOU RECOMMEND THAT LICENSED PHARMACISTS BE REQUIRED TO DEMONSTRATE CONTINUED COMPETENCY THROUGH CE OR REEXAMINATION. THE BOARD HAS EXAMINED THESE RECOMMENDATIONS MANY TIMES IN THE PAST AND STRONGLY FEEL THAT SINCE THERE IS NO COMPETENCY

EXAMINATION THAT HAS BEEN FOUND TO BE PRACTICAL BY ANY OF THE NATIONAL PHARMACY ORGANIZATIONS, THAT IT CERTAINLY WOULD BE PREMATURE TO THINK THAT THE ALASKA BOARD OF PHARMACY COULD COME UP WITH AN EXAM THAT WOULD BE LEGITIMATE.

THE BOARD HAS PUBLISHED MEMOS TO ALL THE LICENSED PHARMACISTS IN ALASKA STATING THAT THE BOARD IS STRONGLY IN FAVOR OF CONTINUING EDUCATION BUT THE BOARD DOES NOT CONCUR AT THIS TIME THAT THIS SHOULD BE MADE MANDATORY. MANY OF THE STATES THAT MADE CE MANDATORY HAVE FOUND THEY HAVE SERIOUS PROBLEMS WITH THIS AND POSSIBLY WHEN THE BOARD FEELS THAT THE STATES THAT ARE NOW USING CE HAVE WORKED OUT MOST OF THESE PROBLEMS AND HAVE CE THAT SHOWS SOME DEFINITE GOOD RESULTS THAT IT WILL BE INSTITUTED BY THE BOARD, HOWEVER, AT THIS TIME THE BOARD DOES NOT FEEL THAT CE SHOULD BE MADE MANDATORY.

ON PAGE 7 YOU RECOMMEND THAT THE BOARD COMPLY WITH STATUTORY REQUIREMENTS FOR GRADING EXAMINATIONS AND ESTABLISHING INTERNAL CONTROLS. WE FEEL THAT YOU ARE NOT FAMILIAR WITH THE NATIONAL EXAM THAT WE ADMINISTER AND THAT THERE IS NO POSSIBILITY THAT THE ADMINISTRATION OF OUR NATIONAL EXAM IS OPEN TO ANY ACCUZATION OF BIAS THAT WOULD STAND UP, NOR THAT IT WOULD BE TENDERED BY ANYONE TAKING THE EXAM.

ON PAGE 7 THE BOARD WOULD NOT AGREE THAT IT WOULD BE BENEFICIAL FOR A LIMITATION OF THE NUMBER OF TERMS A BOARD MEMBER CAN SERVE. IN ALASKA THE BOARD HAS TWO MEETINGS A YEAR AND WHILE MANY THINGS ARE DONE IN BETWEEN BOARD MEETINGS, IT TAKES A BOARD MEMBER SEVERAL YEARS TO BECOME FAMILIAR WITH THE STATUTES AND REGULATIONS THAT WE ARE ADMINISTERING TO THE DEGREE THAT THE MEMBER CAN GRASP THE NEED FOR NEW LEGISLATION OR REGULATIONS. WE FEEL THAT WE HAVE A VERY HARD WORKING, KNOWLEDGEABLE BOARD AND THE MAIN REASON FOR THIS IS DUE TO THE FACT THAT SEVERAL BOARD MEMBERS HAVE BEEN ON THE BOARD FOR LONG PERIODS OF TIME. POSSIBLY LEGISLATORS COULD UNDERSTAND THE POSITION OF THE BOARD MEMBER IF THEY LIKENED A BOARD MEMBER WHO HAS SERVED FIVE YEARS AND HAS NEVER MISSED A MEETING, HE WOULD HAVE WORKED TWENTY DAYS IN THE FIVE YEARS. A LEGISLATOR HAVING SERVED TWENTY DAYS OF HIS FIRST TERM IN OFFICE CERTAINLY WOULD NOT FEEL THAT HE HAD SERVED WITH HIS MOST EFFECTIVENESS AND PROBABLY WOULD FEEL HE WAS MOST EFFECTIVE AFTER SERVING SEVERAL TERMS. WE FEEL THAT IF THE OLDEST BOARD MEMBERS SERVED ONLY TWO TERMS THAT THE DEPARTMENT OF OCCUPATIONAL LICENSING WOULD HAVE TO MAKE MOST OF THE DECISIONS AND THIS WOULD BE A VERY POOR POLICY. THE DEPARTMENT MANY TIMES LACK THE EXPERTISE NECESSARY FROM KNOWLEDGEABLE PHARMACIST BOARD MEMBERS AND AT THE NATIONAL MEETINGS IN DISCUSSING THE EFFECT OF THIS LIMITATION, IN A FEW OF THE STATES WHERE THEY HAVE PASSED IT, WE HAVE LEARNED THAT THE PEOPLE REPRESENTING THE BOARDS SOON SEEM TO BE THE STATE EMPLOYEES OF THE DEPARTMENTS AND IN OUR OPINION THIS NOT ADQUATE PROTECTION FOR THE PUBLIC.

THE SAME PARAGRAPH REGARDING PHARMACISTS NOT REPRESENTING ALL CLASSES OF PHARMACISTS, IT IS THE FEELING OF THE BOARD THAT THE PHARMACIST IS A PHARMACIST AND WE DO NOT LICENSE DIFFERENT CATEGORIES, HOWEVER, THE FIVE REGULAR PHARMACISTS ON THE BOARD REPRESENT ACTUALLY 5 DIFFERENT CATEGORIES: 1. COMMUNITY PHARMACY, JAMES MCCORCLE (ONE STORE IN COMMUNITY SETTING), 2. CHAIN PHARMACY, ELDON R. ULMER (4 OR MORE STORES), 3. RETIRED PHARMACISTS, LESTER E'KINS, 4. STRICTLY PROFESSIONAL PHARMACY, JAMES MURPHY (IN MEDICAL SETTING CLINIC ORIENTED), 5. WHOLESALE PHARMACY, CHARLES R. RUSH. PHARMACISTS DO INTERCHANGE BETWEEN RETAIL, HOSPITAL, WHOLESALE AND CONSULTING PHARMACISTS WITHOUT ANY CHANGE OF LICENSURE OR ADVICE TO THE BOARD.

ON PAGE 8, WHERE YOU STATE THAT YOU AGREE OUR REGULATION WOULD HAVE RESTRICTED COMPETITION AND REDUCE THE AVAILABILITY OF NON-PRESCRIPTION DRUGS YOU ARE NOT AGREEING WITH US AS THAT IS NOT OUR OPINION. WE FEEL THAT OUR REGULATION WOULD NOT HAVE RESTRICTED COMPETITION OR REDUCED THE AVAILABILITY OF NON-PRESCRIPTION DRUGS AS THE ONLY DRUGS THAT WE WERE RESTRICTING OR REDUCING THE AVAILABILITY OF ARE NOT FOUND AT THIS TIME IN OTHER OUTLETS UNLESS IT IS BY ERROR. EVEN WITHOUT OUR REGULATIONS NO STORES OTHER THAN LICENSED PHARMACIES, WOULD WANT OR TRY TO CARRY THE ITEMS THAT WERE RESTRICTED BY OUR REGULATIONS AND IN THE BOARD'S OPINION THERE WAS NO REASON FOR THESE REGULATIONS NOT BEING PROMULGATED, EXCEPT AN ATTORNEY GENERAL'S ATTORNEY WHO CHANGED HIS MIND DUE TO WHAT THE BOARD FEELS WAS POLITICAL PRESSURE AND NOT THE SAFEGARDING OF THE PUBLIC. FURTHER THE BOARD WOULD ASSUME FROM YOUR RECOMMENDATIONS THAT YOUR STATEMENT REGARDING THE UNIFORM CONTROLLED SUBSTANCES ACT, THAT WE HAVE RECOMMENDED, WAS GOING TO TAKE THE PLACE OF, OR BE RELATED TO THE REGULATIONS CONNECTED WITH THE SHOPKEEPERS PERMITS. THIS IS NOT THE CASE AS THE DRUGS UNDER THE UNIFORM CONTROLLED SUBSTANCE ACT ARE DIFFERENT THAN THOSE WHICH WE LISTED AS DANGEROUS UNDER OUR SHOPKEEPERS PERMITS.

ON PAGE 9, REGARDING B, C, AND D AS YOU STATE THESE ARE ITEMS THAT THE BOARD APPROVED AND GAVE TO THE DEPARTMENT FOR ACTION WHICH HAS NOT HAPPENED, EVEN THOUGH WE HAVE INQUIRED AS TO WHAT ACTION WE SHOULD TAKE WHEN WE DO NOT GET ANY ACTION FROM THE DEPARTMENT OF CENTRAL LICENSING WHEN THEY STATE THE PERSONNEL IN OUR DEPARTMENT HAS RESIGNED AND NEW PERSONNEL HAS NOT BEEN ASSIGNED.

REGARDING A, ON PAGE 11, THERE HAS NEVER BEEN ANY QUESTION AS TO OUR INTERNSHIP REQUIREMENTS BEING 540 HOURS OF POST GRADUATE INTERNSHIP OR HOURS WORKED AS A REGULAR PHARMACIST IN ANOTHER STATE IN LIEU OF INTERNSHIP. NO STATE HAS SEPARATE INTERNSHIP REQUIREMENT FOR EXAMINATION AND LICENSE THROUGH RECIPROCITY. IF SUCH A REQUIREMENT WERE TO BE INTRODUCED IT WOULD MOST CERTAINLY BE FOUND TO BE ILLEGAL AS THERE IS NO LEGITIMATE REASON FOR A STATE TO REQUIRE DIFFERENT INTERNSHIPS FOR DIFFERENT WAYS OF BECOMING LICENSED. THE APPLICANT THAT

YOU MENTIONED IN YOUR REPORT MARKED ON HIS JURISPRUDENCE EXAM THAT THE INTERNSHIP REQUIREMENTS WERE 540 HOURS AFTER GRADUATION SO IT APPEARS THAT HE WAS NOT CONFUSED AS TO THE INTERNSHIP REQUIREMENTS IN THE STATE OF ALASKA. ALSO THIS INFORMATION IS GIVEN OUT IN THE BOOKLET THAT IS SENT OUT BY NABP TO ANY PHARMACIST WHO RECIPROCATES.

REGARDING B, ON PAGE 11, THE STATE OF ALASKA WOULD BE REMISS IN ITS PROTECTION OF THE PUBLIC WERE IT TO ACCEPT PHARMACISTS WHO HAVE BECOME LICENSED IN STATES WHERE WE KNOW NOTHING ABOUT THE TYPE OF LICENSING EXAM GIVEN IN THAT STATE. AT THE PRESENT TIME THERE IS SOME CONTROVERSY IN EVEN ACCEPTING ALL OF THE STATES WHO GIVE THE SAME NATIONAL EXAM THAT WE DO. A COUPLE OF STATES HAVE DECIDED THAT THEY ARE GOING TO GRADE THIS NATIONAL EXAM ON A CURVE IN ORDER FOR SOME OF THEIR PHARMACISTS TO PASS WHO WOULD NOT PASS THE EXAM IN OUR STATE OR IN MOST OF THE STATES. IF THEY CONTINUE TO DO THIS WE WILL PROBABLY GO TO THE ATTORNEY GENERALS OFFICE TO ALSO INCLUDE THESE STATES IN ONES WHOSE RECIPROCITY APPLICATIONS WE WOULD NOT ACCEPT, HOWEVER, THEY WOULD BE ABLE TO TAKE OUR EXAM. IF WE LICENSED PHARMACISTS WHO HAVE PASSED AN EXAM WE KNOW NOTHING ABOUT WE WOULD CERTAINLY JEOPORDIZE THE VALIDITY OF FAILING A PHARMACIST WHO FLUNKS THE NATIONAL EXAM.

ON PAGE 12, UNDER C, YOUR RECOMMENDATION FOR PHARMACISTS TO FIRST APPLY TO THE DEPARTMENT IN JUNEAU IS UNREALISTIC. WE MANY TIMES HAVE PHARMACISTS WHO ARE NEEDED TO GO TO WORK ON SHORT NOTICE AND FLY DIRECTLY TO EITHER FAIRBANKS, ANCHORAGE OR AREAS CLOSE TO THESE CITIES. TO REQUIRE THESE PEOPLE TO GO TO JUNEAU FIRST AND WAIT UNTIL THEIR APPLICATION IS PROCESSED WOULD BE AN UNDUE BURDEN ON THE APPLICANT AND A TREMENDOUS ADDED EXPENSE FOR NO APPARENT REASON. I FEEL THERE WOULD BE FAR MORE POTENTIAL FOR CRITISM WERE WE TO ADOPT ANYTHING REQUIRING THE APPLICANT TO ONLY PROCESS THEIR APPLICATION THROUGH JUNEAU AS A BOARD MEMBER MUST GIVE THE JURISPRUDENCE EXAM ANYWAY BEFORE LICENSURE.

ON PAGE 14, UNDER D, WHICH WE HAVE ALREADY TOUCHED ON WE FEEL WE SHOULD EMPHASIZE AGAIN THAT WE CERTAINLY DO NOT BELIEVE THAT TURN OVER IN MEMBERSHIP ON THE BOARD HAS ANY ADVANTAGES. WE ARE VERY FAMILIAR WITH TURNOVER IN THE DEPARTMENT OF OCCUPATIONAL LICENSING AND IF THERE WERE ANY WAY WE COULD HAVE HAD ANY EMPLOYEE IN THE DPARTMENT OF OCCUPATIONAL LICENSING WHO HELPED WITH OUR WORK THAT WERE THERE ANYWHERE NEAR TWENTY YEARS IT WOULD HAVE BEEN A TREMENDOUS BENEFIT AND WE HOPE YOU ARE NOT ALSO MAKING THIS RECOMMENDATION TO THE DEPARTMENT, AS MOST OF OUR PROBLEMS SEEM TO BE WITH TURNOVER IN PERSONNEL.

ON PAGE 14, WHERE YOU MAKE THE STATEMENT THAT YOU FEEL ADDITIONAL PUBLIC MEMBERS ARE DESIRABLE WE WOULD CERTAINLY DISAGREE. WE FEEL THAT OUR PUBLIC MEMBERS ALSO WOULD RECOMMEND THAT THERE NOT BE MORE THAN TWO PUBLIC MEMBERS ON OUR BOARD OR PROBABLY ANY OTHER PROFESSIONAL BOARD. WE FEEL THAT OUR PUBLIC MEM-

BERS WOULD VERIFY THAT THE PHARMACY BOARD DOES NOT PROTECT OR HELP THE PHARMACIST BUT DOES ALL IN ITS POWER TO PROTECT AND ASSIST THE PATIENT.

ON PAGE 15, CONCERNING OUR RECOMMENDATION NUMBER 7, IF WE TRY TO LIST ALL THE POSSIBLE VIOLATIONS THAT COULD OCCUR IT WOULD BE AN UNWIELDY TASK. THE BOARD FEELS WITH THE DESCRIPTIONS GIVEN, WE CAN ENFORCE ALL LICENSE VIOLATIONS AND CERTAINLY HAVE NEVER FELT HAMPERED BY NOT HAVING THE AUTHORITY TO CORRECT ANY PROBLEM AGAINST ANY PHARMACIST OR PHARMACY THAT HAS BEEN BROUGHT TO OUR ATTENTION.

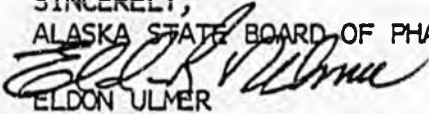
ON PAGE 16, UNDER RECOMMENDATION NUMBER 8, WE CERTAINLY FEEL THAT FOR OUR TOTAL BUDGET FOR \$4,500 THAT WE SHOULD NOT HAVE TO PREPARE ANY LONG LIST TO JUSTIFY THIS. IF YOU CONSIDER THE COST OF BRINGING SEVEN MEMBERS FROM AROUND THE STATE FOR TWO MEETINGS A YEAR OF TWO DAYS EACH, PLUS THE PER DIEM, IT SEEMS THE LEGISLATURE SHOULD CONCUR THAT THE \$4,500 BUDGET WHICH WE ARE ALLOCATED IS NECESSARY.


ON PAGE 16, UNDER YOUR RECOMMENDATION NUMBER 9, WE WOULD LIKE SOME TYPE OF ATTORNEY GENERALS RULING THAT IT IS A REQUIREMENT THAT WE HAVE A QUORUM PRESENT TO APPROVE A LICENSE. THIS SEEMS LIKE A TREMENDOUS BURDEN ON THE APPLICANTS AND IN THE PAST WE HAVE NOT HANDLED IT IN THIS MANNER AS IT SEEMS WRONG FOR PHARMACISTS TO HAVE TO WAIT 6 MONTHS TO RECEIVE THEIR LICENSE. ALL MEMBERS HAVE KNOWLEDGE OF THE APPLICANTS AND ALL CONCUR THAT THEY SHOULD BE LICENSED, HOWEVER, HOLDING THESE FOR A MEETING WITH A QUORUM PRESENT WHEN THIS MEETING ONLY HAPPENS TWICE A YEAR, DOES NOT SEEM TO BE THE BEST PROCEDURE.

ON PAGE 17, YOUR RECOMMENDATION NUMBER 10, REGARDING OCCUPATIONAL LICENSING HAS CERTAINLY BEEN DONE AND CERTAINLY MUST BE ON FILE IN THE DEPARTMENT. THEY HAVE BEEN GIVEN ALL THIS INFORMATION AND IN THE BOARD MEETINGS IN JUNEAU, LICENSE APPLICATIONS AND FILES HAVE BEEN AVAILABLE, AND TO OUR KNOWLEDGE ARE VERY COMPLETE.

THIS SEEMS TO BE THE PORTION OF THE REPORT THAT WE ARE TO ANSWER AND WHILE THESE ANSWERS ARE NOT AS COMPLETE AS WE WOULD HAVE PREFERRED THEM TO BE, WE THOUGHT THAT IF THERE WERE FURTHER QUESTIONS YOU COULD ADDRESS THEM TO US AND POSSIBLY WE COULD ANSWER THEM VERBALLY. THERE ARE OTHER QUESTIONS IN YOUR REPORT THAT WE DO NOT AGREE COMPLETELY WITH BUT THESE ARE THE ITEMS YOU HAVE ADDRESSED TO US AND WE HAVE TRIED TO ANSWER THEM TO THE BEST OF OUR ABILITY.

SINCERELY,
ALASKA STATE BOARD OF PHARMACY


ELDON ULMER
CHAIRMAN


CHARLES R. RUSH
SECRETARY

COPY: ALL PHARMACY BOARD MEMBERS

DIVISION OCCUPATIONAL LICENSING.

DEPT OF ADMINISTRATION, DIV. INTERNAL AUDIT (Richard A. Smith)

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WY—STATE CAPITOL

JUNEAU, ALASKA 99811

January 12, 1979

Members of the
Legislative Budget and Audit Committee:

We have reviewed the response of the Board of Pharmacy to our Performance Review of the Board of Pharmacy dated October 30, 1978.

1. In response to our review the Pharmacy Board stated that we were not familiar with the National Examination for pharmacists and how it is administered.

Our Recommendation No. 4 is directed toward the administration of the Jurisprudence Examination, not the National Examination.

2. In response to our recommendation that all applications for licensure be submitted by the applicant directly to Occupational Licensing (see Recommendation No. 3, C.) the Board stated that the recommendation is unrealistic. The Board states that to require unlicensed pharmacists to go to Juneau first and wait until their application is processed would be an undue burden on the applicant.

Submission of the application information to Occupational Licensing does not require the applicant's physical presence in Juneau. The submission can be made by mail.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

4/25/79



ALASKA PHARMACEUTICAL ASSOCIATION

Box 1185

Anchorage, Alaska 99511

Dear Senators & Representatives:

The pharmacists of the State of Alaska are unalterably opposed to the restructuring of the State Board of Pharmacy from its current status to a watered down, weakened & ineffective board as proposed by State Representative Brown's Commerce Committee.

The current Board has displayed in the past its ability to perform adequately, efficiently & effectively for the protection of the public & the overseeing of the profession of pharmacy in the State of Alaska.

The State Board of Pharmacy is already operating on an unsatisfactory budget of \$4500 annually. The Department of Occupational Licensing, with a budget of nearly four times this amount, has failed in the past to complete its required tasks. From taxpayers' points of view, we feel that the State Board of Pharmacy, given the same amount could more efficiently & at less expense, license its own approximately 250 pharmacists, oversee the profession & protect the public.

Since the legislature has already approved retaining the State Board of Pharmacy under the "Sunset Review", why dilute the expertise of the members by limiting the term of office to 4 years?

Sincerely yours,

Chuck Decker R.Ph

Secretary

Alaska Pharmaceutical Association

STATE OF ALASKA

JAY S. HAMMOND

GOVERNOR



BOARD OF PHARMACY

CENTRALIZED LICENSING STATUTE, AS 08.01

MISCELLANEOUS PROVISION, AS 08.02

PHARMACY ACT, AS 08.80

PHARMACY REGULATIONS, 12 AAC 52

Printed: August, 1977

Title 8. Business and Professions.

Chapter 01. Centralized Licensing.

Section

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 70. Administrative duties of boards

Section

- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 105. Penalty for improper payment
- 110. Definitions

Sec. 08.01.01a. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by § 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 14 ch 65 SLA 1973; am § 1 ch 43 SLA 1975)

Effect of amendment. — The 1975 amendment, effective May 6, 1975, added paragraph (20).

Editor's note.—Section 2, ch. 59, SLA 1966, provides: "The Depart-

ment of Commerce shall provide for the orderly transfer of the service functions which are to be performed by the department under this chapter."

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act." 707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

Legislative committee reports.—
For report on ch. 143, SLA 1968 (HB

Sec. 08.01.020. Board organization. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members. (§ 1 ch 59 SLA 1966)

Sec. 08.01.025. Public members. No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (§ 1 ch 258 SLA 1976)

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (§ 1 ch 59 SLA 1966)

Sec. 08.01.050. Administrative duties of department. (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;

- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted "department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory

language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

Effective date. — Section 60, ch. 102, SLA 1976, makes the amendment to this section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.01.060. Application for license. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (§ 1 ch 59 SLA 1966)

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;

(8) forward results of examinations to the department;

(9) notify the department of meeting dates at least 15 days before meeting. (§ 1 ch 59 SLA 1966)

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

(1) how an examination is to be conducted;

(2) what is contained in application forms;

(3) how a person applies for an examination or license. (§ 1 ch 59 SLA 1966)

Sec. 08.01.087. Powers and duties of department. (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in § 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in § 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch. 258 SLA 1976)

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

Effect of amendment. — The 1976 amendment added "except those under AS 08.01.087(b)" to the end of the section.

Sec. 08.01.100. License renewal, lapse and reinstatement. (a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968)

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (§ 3 ch 258 SLA 1976)

Sec. 08.01.110. Definitions. In this chapter

(1) "board" includes the boards and commissions listed in § 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in § 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in § 10 of this chapter. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976)

Effect of amendments. — The first 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in paragraph (2).

The second 1976 amendment added paragraphs (3) through (6).

Chapter 02. Miscellaneous Provisions.

Section	Section
10. Professional designation requirements	20. Limitation of liability for members of licensing boards

Sec. 08.02.010. Professional designation requirements. (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

Effective date. — Section 50, ch 102, SLA 1976, makes this section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070c.

Chapter 80. Pharmacy Act.

Article

1. The Board of Pharmacy (§§ 08.80.010—08.80.106)
2. Licensing and Registration (§§ 08.80.110—08.80.265)
3. Duties of Licensed Pharmacists (§§ 08.80.270—08.80.365)
4. Unlawful Acts (§§ 08.80.370—08.80.460)
5. General Provisions (§§ 08.80.470—08.80.490)

Article 1. The Board of Pharmacy.

Section

10. Creation and membership of Board of Pharmacy
20. Term of office
30. Powers of the board
40. Duties of the board
50. Applicability of Administrative Procedure Act

Section

60. Meetings of the board
70. Quorum
80. Expenses of members
90. Disposition of fees
100. [Repealed]

Sec. 08.80.010. Creation and membership of Board of Pharmacy. There is created the Board of Pharmacy, composed of seven members, five of whom shall be pharmacists licensed in the state who have been actively engaged in the practice of pharmacy in the state for a period of three years immediately preceding their appointment. Two shall be persons with no direct financial interest in the health care industry. Whenever possible, the board shall include at least one member from each judicial district. (§ 3 ch 194 SLA 1955; am § 25 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment, in the first sentence, substituted "seven members, five" for "five members, each," "pharmacists" for "a pharmacist," "have" for "has," and "their" for "his." The amendment also added the present second sentence.

Effective date. — Section 50, ch. 102, SLA 1976, makes the amendment to this

section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Am. Jur. and C.J.S. references.—17 Am. Jur., Drugs and Druggists, §§ 7 to 13.

28 C.J.S. Druggists §§ 1, 2, 4.

Sec. 08.80.020. Term of office. Members of the board are appointed by the governor, and confirmed by the legislature in joint session, for overlapping terms of five years, or until their successors are appointed and qualified. The terms of the public members shall be staggered so that they do not expire at the same time. An appointment to fill a vacancy is for the unexpired term. The term of office begins on April 1 of each year. (§ 3 ch 194 SLA 1955; am § 26 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment added the present second sentence.

Effective date. — Section 50, ch. 102, SLA 1976, makes the amendment to this

section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.80.030. Powers of the board. The board may

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

(2) examine applicants for registration as pharmacists;

(3) investigate individually, collectively, or through its agent, for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations and do whatever else is necessary and advisable to carry out the purposes of this chapter;

(5) promulgate regulations to carry out the purposes of this chapter;

(6) examine applicants for shopkeeper permits;

(7) register intern pharmacists and promulgate rules relating to their minimum experience requirements;

(8) promulgate regulations to ensure adequate security for a dangerous drug. (§ 4 ch 194 SLA 1955; am § 1 ch 72 SLA 1969 am § 2 ch 69 SLA 1970; am § 1 ch 206 SLA 1972)(am § 1 ch 187 SLA 1976)

Effect of amendment.

The 1976 amendment substituted "investigate individually, collectively, or through its agent, for" for "investigate, individually, or collectively, all alleged" in paragraph (3).

Legislative committee report.—For report on ch. 69, SLA 1970 (HB 564, see 1970 House Journal Supplement No. 2, p. 7.

Sec. 08.80.040. Duties of the board. The board shall

(1) examine qualified applicants for registration as pharmacists; each examination shall be graded by a member who resides in a judicial district other than the district in which the applicant resides;

(2) grant certificates of registration;

(3) initiate prosecution of any person violating this chapter;

(4) report to the legislature on the condition of pharmacy in the state; the report shall include a resumé of the proceedings of the board during the year and the names of all persons registered under this chapter;

(5) maintain a record of the name and place of business of each person registered under this chapter, together with evidence adequate to justify registration;

(6) issue a list of potentially dangerous medicinal ingredients or preparations that may be sold only under the direct supervision of a licensed pharmacist; the failure to include an ingredient or preparation in this list does not affect any law or regulation, which prohibits or restricts the sale of the ingredient or preparation; and

(7) issue shopkeeper permits in accordance with § 380 of this chapter. (§ 5 ch 194 SLA 1955; am § 2 ch 206 SLA (1972))

Effect of amendment. — The 1972 amendment added paragraph (7).

Sec. 08.80.050. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62).

Sec. 08.80.060. Meetings of the board. The board shall meet at least once each year at the call of the president for the transaction of business properly before it. The president shall also call the board into session when requested in writing by at least two members. The secretary shall give at least 30 days written notice to all members before a meeting. (§ 6 ch 194 SLA 1955)

Sec. 08.80.070. Quorum. Four members constitute a quorum for the transaction of business. However, when the board meets for the purpose of examining applications for registration, three members of the board constitute a quorum. (§ 6 ch 194 SLA 1955; am § 27 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Four members" for "Three members" at the beginning of the section and "three members" for "two members" near the end of the section.

Effective date. — Section 50, ch. 102, SLA 1976, makes the amendment to this

section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.80.080. Expenses of members. Members of the board are entitled to reimbursement for actual travel expenses incidental to the discharge of their duties and, while in the performance of their duties, are entitled to the per diem expenses allowed by law. (§ 7 ch 194 SLA 1955)

Sec. 08.80.090. Disposition of fees. The fees collected by the secretary of the board shall be deposited in the general fund of the state. (§ 21 ch 194 SLA 1955)

Sec. 08.80.100. Board secretary as certifying officer.

Repealed by § 3 ch 59 SLA 1966.

Article 2. Licensing and Registration.

Section

- 110. Qualifications for registration
- 115. Registration of pregraduate and postgraduate intern pharmacist
- 117. Malpractice insurance
- 120. Grading and content of examination
- 130. Re-examination
- 140. License by endorsement
- 150. Temporary registration
- 155. Emergency permit
- 160. Fees

Section

- 170—210. [Repealed]
- 220. Prescription department required for issuance of license
- 230. Sanitary conditions required for issuance of license
- 240. Form and display of registration certificate and license
- 250. Renewal of lapsed registration
- 260. Grounds for refusing or revoking a license
- 265. Limits or conditions on license; discipline

Sec. 08.80.110. Qualifications for registration. An applicant for registration as a pharmacist shall

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

(2) furnish the board with at least two affidavits from reputable citizens, whom he has known for at least one year, attesting to his good moral character and freedom from addiction to the use of drugs or alcoholic liquors;

(3) be a graduate of a college of pharmacy recognized by the National Association of Boards of Pharmacy;

(4) pass an examination by a board of pharmacy which board has been approved by the National Association of Boards of Pharmacy;

(5) have completed at least 1,500 hours of internship training under the direct supervision of a licensed pharmacist in a licensed pharmacy, 540 hours of which must have been completed after graduation. (§ 8 ch 194 SLA 1955; am § 1 ch 24 SLA 1968; am § 2 ch 72 SLA 1969; am §§ 3, 4 ch 206 SLA 1972(am § 16 ch 127 SLA 1974)

Effect of amendment.

The 1974 amendment deleted "a citizen of the United States and" following "be" in paragraph (1).

Legislative committee report. — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 637.

C.J.S. references. — 28 C.J.S. Druggists § 3; 53 C.J.S. Licenses §§ 32 to 34.

Sec. 08.80.115. Registration of pregraduate and postgraduate intern pharmacist. (a) An applicant for registration as a postgraduate intern pharmacist shall meet the requirements of § 110(1)—(3) of this chapter and pay the required fee.

(b) An applicant for registration as a pregraduate pharmacist shall meet the requirements of § 110(1) and (2) and shall be enrolled in a pharmacy school recognized by the National Association of Board of Pharmacy and shall be declared a junior by the pharmacy school. An applicant for registration as a pregraduate internship pharmacist may be on recognized vacation from the pharmacy school; however, the vacation may not exceed one quarter or one semester. The pregraduate internship pharmacist shall pay the required fee.

(c) The registration of post graduate or pregraduate internship pharmacists is valid for one year and may be renewed upon application. (§ 5 ch 206 SLA 1972)

Sec. 08.80.117. Malpractice insurance. If medical malpractice insurance for pharmacists becomes unavailable on the voluntary market and the director of insurance finds, after public hearing, that the unavailability is impairing the delivery of pharmacist services to the public, the director of insurance may require all persons licensed under this chapter to carry medical malpractice insurance and to purchase their insurance from the Medical Indemnity Corporation of Alaska established under AS 21.88. If a finding of unavailability of insurance on the voluntary market and impairment of services has been made under this section, purchase of medical malpractice insurance from the Medical Indemnity Corporation of Alaska is a condition of licensure under this chapter. The provisions of this section are satisfied if the licensee's employer maintains insurance for him from the Medical Indemnity Corporation of Alaska. (§ 28 ch 102 SLA 1976)

Effective date. — Section 50, ch. 102, SLA 1976, makes this section effective 30 days after the effective date of this act.

Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.80.120. Grading and content of examination. To pass the state pharmacy examination each applicant must attain a general average of not less than 75 per cent and a grade of not less than 60 per cent in any one category of the National Association of Board of Pharmacy Standard Examinations for licensure or an equivalent examination given by the board. (§ 89 ch 194 SLA 1955; am § 2 ch 24 SLA 1968; am § 6 ch 206 SLA 1972; am § 1 ch 50 SLA 1974)

Effect of amendment.

The 1974 amendment, at the end of the section, substituted the language beginning "any one category" and ending "examination given by the board" for "each of the following subjects on the examination: jurisprudence, chemistry,

mathematics, pharmacy, pharmacology and related subjects, and in the discretion of the board, oral theory and practical pharmacy."

Legislative committee report. — For report on ch. 50, SLA 1974 (HB 588), see 1974 House Journal, p. 311.

Sec. 08.80.130. Re-examination. An applicant unsuccessful in his initial examination may take a second examination within one year without further application and upon payment of the re-examination fee. If the applicant fails to take a second examination within one year, he must submit a new application for any examination. (§ 8 ch 194 SLA 1955; am § 7 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment added "without further application and upon payment of the" re-examination fee" at the end of the first sentence and added the second sentence.

Sec. 08.80.140. License by endorsement. The board may register without examination an applicant who has been certified as a registered pharmacist by the National Association of Boards of Pharmacy, if the applicant meets the requirements of § 110(1)—(4) of this chapter. (§ 8 ch 194 SLA 1955; am § 3 ch 24 SLA 1968; am § 3 ch 72 SLA 1969; am § 8 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "meets the re-quirements of § 110(1)—(4)" for "has complied with § 110(5)."

Sec. 08.80.150. Temporary registration. The board shall issue a temporary license to an applicant applying for registration as a pharmacist under § 140 of this chapter upon written or oral examination before a member of the board and certification by the member to the secretary of the board that the applicant is competent to receive a temporary license. The temporary license is valid for three months, or until the next regular meeting of the board, whichever is longer. A temporary license is not renewable, but at the discretion of the issuing board member may be extended for a period not to exceed 60 days, and an applicant may not receive more than one temporary license. An applicant whose registration has been denied by the board is not eligible to receive a temporary license. (§ 9 ch 194 SLA 1955; am § 9 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "issue" for "give" in the first sentence, substituted "applying" for "eligible" in that sentence, inserted "under § 140 of this chapter" therein, inserted "but at the discretion of the issuing board member may be extended for a period not to exceed 60 days," and substituted "license" for "permit" at the end of the fourth sentence.

Sec. 08.80.155. Emergency permit. (a) The board may in its discretion grant an emergency permit to a pharmacist for the purpose of providing coverage in a pharmacy which is temporarily without the services of a pharmacist due to death, illness or other emergency circumstances.

(b) A pharmacist applying under (a) of this section must submit proof that he holds a license in good standing in a state recognized by the National Association of Boards of Pharmacy, and pay the fee required under § 160 of this chapter.

(c) A permit issued under this section is valid for a period not to exceed 60 days. (§ 10 ch 206 SLA 1972)

Sec. 08.80.160. Fees. The following fees shall be imposed under this chapter when applicable:

(1) examination fee	\$50
(2) re-examination fee	15
(3) reciprocity investigation fee	25
(4) biennial pharmacist license fee	50
(5) temporary license fee	10
(6) wholesale drug dealer biennial license fee	50
(7) retail pharmacy biennial license fee	50
(8) pharmacy intern registration fee	10
(9) emergency permit fee	10
(10) hospital pharmacy biennial license fee (in and out-patient)	50
(11) hospital drug room biennial license fee (inpatient) ..	25
(12) nursing home and related facilities biennial license fee for inpatient dispensing	25
(13) shopkeepers biennial permit fee	10
(14) license amendment or replacement fee	2

(§ 10(a) ch 194 SLA 1955; am § 4 ch 24 SLA 1968; am § 11 ch 206 SLA 1972)

Effect of amendment.—The 1972 amendment inserted “drug” in paragraph (6), substituted “pharmacy” for “dealer” in paragraph (7), and added paragraphs (8)—(14).

Sec. 08.80.170. Examination fee.

Repealed by § 7 ch 24 SLA 1968.

Sec. 08.80.180. Temporary registration fee.

Repealed by § 7 ch 24 SLA 1968.

Sec. 08.80.190. Renewal fee.

Repealed by § 7 ch 24 SLA 1968.

Sec. 08.80.200. Wholesale dealer license fee.

Repealed by § 7 ch 24 SLA 1968.

Sec. 08.80.210. Retail dealer license fee.

Repealed by § 7 ch 24 SLA 1968.

Sec. 08.80.220. Prescription department required for issuance of license. The board shall issue a license to operate a pharmacy only to an establishment which operates a bona fide prescription department. (§ 10 ch 194 SLA 1955)

Sec. 08.80.230. Sanitary conditions required for issuance of license. Failure to have proper sanitary appliances and to maintain orderly and sanitary premises are grounds for refusing a license to a pharmacy. (§ 10 ch 194 SLA 1955)

Sec. 08.80.240. Form and display of registration certificate and license. The registration certificate and license shall be in the form and issued in the manner prescribed by the board. The license and certificate shall be conspicuously displayed in the premises for which issued or in which the licensee is employed. (§ 10 ch 194 SLA 1955)

Sec. 08.80.250. Renewal of lapsed registration. A previously licensed pharmacist who has not been registered for a period of three years or more shall take an oral examination before the board and satisfy it of his competence before the renewal of his registration. He may take a written examination if he desires. (§ 10 ch 194 SLA 1955; am § 5 ch 24 SLA 1968)

Sec. 08.80.260. Grounds for refusing or revoking a license. The board may refuse to issue, or may suspend or revoke a license to practice pharmacy for any of the following grounds:

- (1) conviction of a felony or conviction of a misdemeanor involving moral turpitude;
- (2) selling, bartering, or making available, morphine, cocaine or other narcotic to a person addicted to the use of drugs except upon prescription issued by a licensed physician;
- (3) drug addiction;
- (4) intemperance in the use of alcohol;
- (5) violation of this chapter;
- (6) conduct or habits inconsistent with professional standards;
- (7) conviction of selling federal legend drugs without prescription of a licensed physician, surgeon, dentist or veterinarian;

(8) falsely stating in any license application that the applicant has not been convicted of or is not presently charged with any violation of pharmacy, liquor or narcotic laws;

(9) violation of regulations pertaining to the provision of adequate security for dangerous drugs. (§ 14 ch 194 SLA 1955; am § 6 ch 24 SLA 1968; am § 12 ch 206 SLA 1972)

Effect of amendment.—The 1972 amendment added paragraphs (8) and (9).

Cited in *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963).

ALR and C.J.S. references.—What

amounts to conviction within statute making conviction a ground for refusing or cancelling license or special privilege, 112 ALR 1179.

28 C.J.S. Druggists §§ 2 to 5; 58 C.J.S. Licenses § 44.

Sec. 08.80.265. Limits or conditions on license; discipline. (a) In addition to action under § 260 of this chapter, upon a finding that by reason of demonstrated problems of competence, experience, education, or health the authority to practice pharmacy under this chapter should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section. (§ 28 ch 102 SLA 1976)

Effective date. — Section 50, ch. 102, SLA 1976, makes this section effective 30 days after the effective date of this act.

Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Article 3. Duties of Licensed Pharmacists.

Section

- 270. Report of employee
- 280. Responsibility for goods sold
- 290. Affixing of label
- 295. Substitution
- 297. Prescription prices available to consumer
- 300. Record of prescriptions
- 310. Record of sales

Section

- 320. Pharmacist required
- 330. Licensed pharmacist as manager
- 340. Who may prepare prescriptions
- 350. Technical aids required
- 360. Sale of dangerous materials
- 365. Partial closure of pharmacy

Sec. 08.80.270. Report of employee. (a) An owner or manager of a pharmacy shall report to the board at the time the board directs, but not more often than twice each year, the names of all pharmacists employed in his pharmacy.

(b) An owner or manager of a pharmacy shall forward to the board a change of employee notice within 10 days of hiring or dis-

missing a pharmacist. (§ 11(a) ch 194 SLA 1955; am § 13 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "twice" for "once" and substituted "pharmacists" for "clerks." amendment designated the former section as subsection (a) and added subsection (b). In subsection (a), the

Sec. 08.80.280. Responsibility for goods sold. An owner, or, if the owner is not a licensed pharmacist, a manager of a pharmacy, is responsible for the quality of drugs, chemicals and other medicines sold or dispensed by him, except those sold in the original packages of the manufacturer, and except those articles and preparations known as patent or proprietary medicines. (§ 11(b) ch 194 SLA 1955)

C.J.S. reference.—2^o C.J.S. *Druggists*, §§ 6, 11 to 13.

Sec. 08.80.290. Affixing of label. At the time of dispensing a prescription, there shall be affixed to the container of a prescription, a label bearing the name and address of the pharmacy compounding the prescription, the serial number of the prescription, the name and directions of the prescriber, the name of the patient, the date of dispensing, and the initials of the registered pharmacist who compounded the prescription. In addition a pharmacist shall indicate on the drug container the name and strength of the drug contained in it, unless specifically directed otherwise by the prescribing physician, osteopathic physician, dentist or veterinarian. If a drug is a mixture of pharmacologically active substances, only the name of the mixture need be indicated on the container, or in the absence of a name, the term "physician's mixture" may be used. (§ 11(c) ch 194 SLA 1955; am § 14 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment added the second and third sentences.

Sec. 08.80.295. Substitution. (a) Except as limited by (b) and (c) of this section, with the consent of the purchaser, the pharmacist may substitute a drug product with the same generic name in the same strength, quantity, dose and dosage form as the prescribed drug which is, in the pharmacist's professional opinion, therapeutically equivalent and meets the standards of (f) of this section. Upon substitution the pharmacist shall notify the purchaser and the person who prescribed the drug of the substitution and of the drug substituted.

(b) A person authorized to prescribe drugs shall specify in writing or

by oral communication whether or not the pharmacist may substitute a drug under (a) of this section. Written specification may be accomplished either by (1) the physician personally initialing or checking the appropriate box on a prescription order form labeled "DISPENSE AS WRITTEN" or "SUBSTITUTION ALLOWED"; or (2) by handwriting on the prescription order. If the physician fails or neglects to give written specification, the prescription shall be dispensed as written. If the person communicating the specification does so orally, the pharmacist shall indicate that fact in handwriting on the written copy of the prescription order.

(c) Preprinted prescription order forms used by a person authorized to prescribe drugs shall contain boxes labeled "DISPENSE AS WRITTEN" and "SUBSTITUTION ALLOWED" to be checked or initialed by the person issuing the prescription.

(d) A pharmacist shall substitute a drug product under (a) of this section only when there will be a savings in cost to the purchaser.

(e) For a period of two years following September 16, 1976, every pharmacy shall post a sign in a location easily seen by patrons at the counter where prescriptions are dispensed stating that "Under Alaska law a therapeutically equivalent but less expensive drug may, in some cases, be substituted for the drug prescribed by your doctor. Please consult your pharmacist or physician." The printing on the sign shall be in block letters not less than one inch in height.

(f) If a person authorized to prescribe drugs is temporarily unavailable, the pharmacist may, if he cannot supply the drug requested, substitute a drug or preparation of approximately equal therapeutic value so long as he notifies the author of the prescription at an early opportunity. The pharmacist in all cases of substitution, except when specifically indicated to the contrary by the prescriber, shall relate the nature of the change to the purchaser.

(g) A pharmacist may not substitute a product under the provisions of this section unless it has been manufactured with the following minimum good manufacturing standards and practices:

(1) maintain quality control standards equal to those of the Food and Drug Administration;

(2) comply with regulations promulgated by the Food and Drug Administration;

(3) mark products with identification code or monogram;

(4) label products with expiration date;

(5) provide reasonable services to accept returned goods that have reached their expiration date;

(6) maintain 24-hour resources for product information where practicable and financially feasible;

(7) maintain recall capabilities for unsafe or defective drugs;

(g) shall not refuse to sell to any properly licensed pharmacy.

(h) As used in this section, unless the context requires otherwise,

(1) "brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label or wrapping at the time of packaging;

(2) "generic name" means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary;

(3) "substitute" means to dispense without prescriber's express authorization a different drug product in place of the drug ordered or prescribed;

(4) "therapeutically equivalent" means drugs that will provide essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen. (§ 15 ch 206 SLA 1972; am § 2 ch 187 SLA 1976)

Effect of amendment. — The 1976 amendment rewrote this section.

Sec. 08.80.297. Prescription prices available to consumer. A pharmacist shall disclose the price of filling any prescription when requested by the consumer. (§ 3 ch 187 SLA 1976)

Sec. 08.80.300. Record of prescriptions. Each pharmacy shall maintain a record of every prescription compounded or dispensed. The record shall be kept for a period of not less than five years, and shall be open at all times to inspection by the board, its members, agents or employees, and by the medical doctor who issued the prescription. (§ 11(d) ch 194 SLA 1955)

C.J.S. reference. — 28 C.J.S. Drug-gists, §§ 6, 9, 10.

Sec. 08.80.310. Record of sales. (a) The owner, or, if the owner is not a licensed pharmacist, the manager, of every drug store, shall maintain in his place of business a record in which sales of the following items shall be entered: the compounds and salts of arsenic and mercury (calomel excepted); caustic hydrates of sodium and potassium; the concentrated mineral acids; hydrocyanic acids and their salts; yellow phosphorous; the essential oils of pennyroyal, tansy and savine; croton oil, aconite; carbolic acid; and the poisonous alkaloids or alkaloidal salts.

(b) The record shall state the quantity and date of purchase, the purpose for which it is to be used, and the name and address of the buyer. The record shall be available during hours of busi-

ness and subject to inspection by the attorney general, a federal, state or municipal peace officer, acting within his area of jurisdiction, and an authorized agent of the board. A record of each sale shall be retained for a period of five years from the date of the sale. (§ 11(e) ch 194 SLA 1955; am § 16 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment deleted "and the proprietor of every general store, or road-house" following "drug store" in subsection (a).

Sec. 08.80.320. Pharmacist required. (a) A pharmacy shall have a pharmacist, licensed and registered under this chapter, on duty during the hours that the pharmacy is open for business.

(b) In communities which have one licensed pharmacy, the owner of the pharmacy shall have a pharmacist, licensed and registered under this chapter, on duty, or on call, at all times that the pharmacy is open for business. (§ 11(f) (i) ch 194 SLA 1955; am § 17 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment, in subsection (a), deleted "licensed" preceding "pharmacist" and inserted "licensed and registered under this chapter." In subsection (b), the amendment deleted "licensed" preceding "pharmacist," inserted "licensed and registered under this chapter," and added "that the pharmacy is open for business." ALR and C.J.S. references.—Construction of statutes in relation to operation of drugstore, pharmacy or chemical store, without registered pharmacist, 74 ALR 1084. 28 C.J.S. Druggists § 6.

Sec. 08.80.330. Licensed pharmacist as manager. (a) If the owner of a pharmacy is not a licensed pharmacist, he shall place a licensed pharmacist, designated the manager, in full charge and control of the pharmacy. The manager shall insure compliance with all laws, rules and regulations governing the operation of the pharmacy. The licensed pharmacist shall immediately advise the board of his appointment as manager.

(b) No license may be issued to a pharmacy unless there is a licensed registered pharmacist in charge whose name appears on the face of the license. (§ 11(g) ch 194 SLA 1955; am § 18 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment added subsection (b).

Sec. 08.80.340. Who may prepare prescriptions. No person except a licensed pharmacist or a licensed intern pharmacist under the direct supervision of a licensed pharmacist may compound and dispense the prescription of a physician. However, this section does not limit the authority of a licensed medical doctor to compound and dispense medicinal preparations. (§ 11(h) ch 194 SLA

1955; am § 19 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment inserted “or a licensed intern pharmacist under the direct supervision of a licensed pharmacist in the first sentence:

Sec. 08.80.350. Technical aids required. Each licensed pharmacy shall have on the premises a copy of the most recent revision of the “United States Dispensatory” or “Remington’s Practice of Pharmacy” or both the “National Formulary” and the “United States Pharmacopoeia.” In addition, each pharmacy shall have sufficient technical equipment to properly compound prescriptions and pharmaceutical preparations. No license may be issued until the requirements of this section are met. (§ 11(j) ch 194 SLA 1955; am § 20 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment rewrote this section.

Sec. 08.80.360. Sale of dangerous materials. Drugs or medical supplies which contain poisonous, potent, habit-forming or deleterious ingredients shall be dispensed only by a licensed pharmacist. At the time of the sale, the pharmacist shall make the nature of the drug or medical preparation known to the purchaser. (§ 11(k) ch 194 SLA 1955)

C.J.S. reference.—28 C.J.S. Druggists §§ 6, 8 to 13.

Sec. 08.80.365. Partial closure of pharmacy. A pharmacy or pharmacy drug department which is open for business at times different than the remainder of the store or building in which the pharmacy is located shall

(1) be accessible to the remainder of the store or building only through an entrance which is capable of being locked;

(2) be advertised by the methods described in §§ 420 and 430 of this chapter only if the signs or symbols are attached or located within the portions of the store or building where the pharmacy is located;

(3) be locked during nonbusiness hours; and

(4) have all keys to the pharmacy or drug department in the possession of a pharmacist, licensed and registered under this chapter. (§ 21 ch 206 SLA 1972)

Article 4. Unlawful Acts.

Section	Section
370. Vending machine sales prohibited	420. Certain advertising prohibited
380. Issuance of shopkeepers permits	430. Use of pharmacy symbols prohibited
390. Pharmacists required in hospitals and clinics	440. Denial of examination or license
400. Practice of medicine not affected	450. Disciplinary action
410. Use of term "pharmacist" prohibited	460. Violation

Sec. 08.80.370. Vending machine sales prohibited. No mechanical device or vending machine wherever located, may be used to dispense a drug, medicine or preparation containing poison. (§ 12 ch 194 SLA 1955)

C.J.S. reference.--28 C.J.S. Druggists §§ 6, 11 to 13.

Sec. 08.80.380. Issuance of shopkeepers permits. The board shall, upon proper application and payment of the required fee, issue a shopkeepers permit to sell substances or preparations not of a poisonous nature, in the original unbroken packages only. These remedies shall be sold under restrictions and regulations as the board may adopt. The board may include in shopkeeper permits permission to sell other remedies not prohibited by law. (§ 12 ch 194 SLA 1955; am § 22 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment rewrote this section.

Sec. 08.80.390. Pharmacists required in hospitals and clinics.
(a) A hospital, clinic, nursing home, infirmary or related facility which dispenses drugs for outpatient treatment shall have a licensed pharmacist in charge of the dispensary, except that prescriptions may be compounded and dispensed by or under the supervision of the prescribing physician.

(b) The board shall issue a license to a hospital drug room, nursing home drug room or related facility which dispenses drugs from bulk supply for inpatient treatment, providing the facility employs a licensed pharmacist on a continual or consultant basis. (§ 12 ch 194 SLA 1955; am § 23 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment deleted "or" preceding "clinic" and inserted "nursing home, infirmary or related facility."
amendment designated the former section as subsection (a) and added subsection (b). In subsection (a) the

Sec. 08.80.400. Practice of medicine not affected. This chapter

does not affect the practice of medicine by a licensed medical doctor, and does not limit him in supplying a patient with any medicinal preparation or article which he considers proper. (§ 12 ch 194 SLA 1955)

Sec. 08.80.410. Use of term "pharmacist" prohibited. It is unlawful for a person to assume or use the title "pharmacist," or any variation of the title, or to hold himself out to be a pharmacist, without being registered. (§ 13(a) ch 194 SLA 1955)

Sec. 08.80.420. Certain advertising prohibited. (a) It is unlawful for a person to use or exhibit the title "pharmacist," "assistant pharmacist," or "druggist," or the descriptive term "pharmacy," "drug store," "drug sundries," or other similar title or term containing the word "drug," in any business premises, or in an advertisement through the media of press, or publication, or by radio or television, unless the business has a licensed pharmacist in regular and continuous employment.

(b) A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription. (§ 13(b) ch 194 SLA 1955; am § 24 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment added subsection (b).

Sec. 08.80.430. Use of pharmacy symbols prohibited. It is unlawful for a person to display in a place of business the characteristic pharmacy symbol of bottles, or globes, which are colored or contain colored liquids unless the business has a pharmacist licensed and registered under this chapter on duty under § 320 of this chapter. (§ 13(c) ch 194 SLA 1955; am § 25 ch 206 SLA 1972)

Effect of amendment. — The 1972 amendment deleted "licensed" preceding "pharmacist" and substituted "licensed and registered under this chapter on duty under § 320 of this chapter" for "in regular and continuous employment."

Sec. 08.80.440. Denial of examination or license. The board may deny an applicant the opportunity to be examined, may deny a license to an applicant who has successfully completed the prescribed examination, or may deny a license to an applicant for registration by reciprocity, or institute proceedings to suspend, revoke or otherwise terminate a registration, but only upon the basis of a specific complaint. Complaints shall be in the form of an affidavit and shall be filed in duplicate with the secretary of the board. (§ 15 ch 194 SLA 1955)

Sec. 08.80.450. Disciplinary action. The board may consider a complaint based upon the alleged violation of any provision of this chapter, and may by a majority vote of a quorum dismiss the complaint, reprimand a licensee, or take other punitive action as the nature of the facts warrant. Orders issued by the board shall be in writing, signed by a majority and filed with the secretary of the board. The accused shall receive an authenticated copy of the order. (§ 17 ch 194 SLA 1955)

Sec. 08.80.460. Violation. (a) A person who violates a provision of this chapter for which no punishment is provided is guilty of a misdemeanor and is punishable by a fine not to exceed \$1,000, or by imprisonment for a period not to exceed three months or by both.

(b) A person who violates the provisions of § 295 of this chapter is punishable by a civil fine in an amount established by the board in a schedule or schedules establishing the amount of civil fine for a particular violation. The schedule or schedules shall be adopted by the board by regulation. Any civil fine imposed under this section may be appealed in the manner provided for appeals in the Administrative Procedure Act (AS 44.62). (§ 19 ch 194 SLA 1955; am § 26 ch 206 SLA 1972; am § 4 ch 187 SLA 1976)

Effect of amendment.

The 1976 amendment added subsection (b).

C.J.S. references.—28 C.J.S. *Druggists* §§ 6, 11 to 13; 53 C.J.S. *Licenses* §§ 56 to 71.

Article 5. General Provisions.

Section	Section
470. Construction	486. Definitions
475. Exception	490. Short title

Sec. 08.80.470. Construction. Nothing in this chapter amends, modifies, repeals or otherwise changes any provision of the Uniform Narcotic Drug Act (AS 17.10) or the Alaska Food, Drug and Cosmetic Act (AS 17.20). (§ 20 ch 194 SLA 1955)

Sec. 08.80.475. Exception. This chapter does not apply to the safe storage, preservation, dispensing, or control of drugs in any federally operated hospital or institution. (§ 1 ch 49 SLA 1974)

Legislative committee report. — For report on ch. 49, SLA 1974 (HB 589), see 1974 House Journal, p. 312.

Sec. 08.80.480. Definitions. As used in this chapter, unless the context otherwise requires,

(1) "board" means the Board of Pharmacy;

(2) "drug" or "drugs" means drugs or medical supplies which contain poisonous, potent, habit-forming or deleterious ingredients, or medicines containing ingredients which may be considered dangerous or harmful if taken in overdose;

(3) "medical supplies" means items for the cure or treatment of disease or injury which do not require prescription by a physician and which do not contain poisonous, potent, habit-forming or deleterious ingredients, or an ingredient which may be considered dangerous or harmful if taken in overdose;

(4) "owner" means the owner of a place of business for wholesaling, retailing, compounding or dispensing drugs, medicines or poisons;

(5) "pharmacy" includes "drug store" and "pharmacy or drug department" and means a place of business in which physicians' prescriptions are compounded or dispensed and in which drugs and medicines are compounded or dispensed;

(6) Repealed by § 11 ch 53 SLA 1973.

(7) "recognized college of pharmacy" means a college, school or department of pharmacy whose entrance requirements and courses of study are approved by the National Association of Boards of Pharmacy;

(8) "manager" means a licensed pharmacist in charge of a pharmacy or drug store, or of a pharmacy or drug department, where the owner is not a licensed pharmacist;

(9) "retail" means sale to the ultimate user;

(10) "retail pharmacist" means a person who sells to the ultimate user;

(11) "sell" means to possess in violation of the intent of this chapter, exchange, barter, give away or otherwise dispose of;

(12) "wholesale" means sale by a manufacturer, wholesale dealer, distributor, or jobber to a person who sells, or intends to sell, directly to the user;

(13) "wholesale drug dealer" means a manufacturer, wholesale dealer, distributor or jobber;

(14) "bulk supply" means drugs in original containers not labeled as required by § 290 of this chapter;

(15) "drug room" means an area provided only for the proper and safe storage, preservation and control of bulk supply drugs and which is under the responsibility of a continuously employed or consultant pharmacist;

(16) "hospital pharmacy" means and includes a pharmacy, licensed by the board, located within any hospital, institution or establishment which maintains and operates organized facilities for the diagnosis, care and treatment of human illness and provides for the obtaining, storage and dispensing of drugs to both inpatients and outpatients and which is under the responsibility of a staff pharmacist;

(17) "outpatient dispensing" means dispensing drugs for administration outside of the hospital pharmacy's control;

(18) "prescription department" means that section of a business in which prescriptions for medications are compounded, filled and dispensed by a licensed pharmacist;

(19) "shopkeeper" means a retail dealer who sells over the counter medicinal preparations in original unbroken packaging which do not require a prescription for dispensing. (§ 2 ch 194 SLA 1955; am §§ 27—29 ch 206 SLA 1972; am § 11 ch 53 SLA 1973)

Effect of amendments.—The 1972 amendment substituted "pharmacist" for "dealer" in paragraph (10), inserted "drug" in paragraph (13), and added paragraphs (14)—(19).

Legislative committee report.—For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885.

The 1973 amendment repealed paragraph (6).

Sec. 08.80.490. Short title. This chapter may be known as the Pharmacy Act. (§ 1 ch 194 SLA 1955)

(6) "vision and eye-screening projects" means a project organized with the intent of identification and referral of vision and eye disorders;

(7) "prescription" means a written formula prepared by a person licensed under AS 08.72 and which contains the following essential elements when applicable to eyeglasses, contact lenses or other visual therapy: dioptric power of spheres, cylinders and prisms, axis of cylinders and position of prism base; designation of inter-pupillary distances; size, base curve, power, color and type, when a contact lens; and the name of the patient, date of prescription and name and office location of prescriber. (In effect before 7/28/59; am 9/10/65, Reg. 21; am 4/24/71, Reg. 37)

Authority: AS 08.72.050

12 AAC 48.1100 - 12 AAC 48.1121.
Repealed. (Eff. 4/24/71, Reg. 37)

CHAPTER 52.
BOARD OF PHARMACY

Article

- 1. Internship
- 2. Hospital Pharmacies
- 3. General Provisions

ARTICLE 1.
INTERNSHIP

Section

- 10. Record of experience of pregraduate and postgraduate pharmacy intern
- 20. Training requirements for pharmacy intern
- 30. Intern experience in a hospital
- 40. Internship in government-operated institutions

12 AAC 52.010. RECORD OF EXPERIENCE OF PREGRADUATE AND POSTGRADUATE PHARMACY INTERN. A pharmacy intern shall submit a record of his intern experience every three months on a form provided by the board. The form must be certified by a pharmacist, licensed and registered under AS 08.80.110, who supervises the pharmacy intern's work. (Eff. 4/11/76, Reg. 58)

Authority: AS 08.80.030(4),(5) and (7)

12 AAC 52.020. TRAINING REQUIREMENTS FOR PHARMACY INTERN. (a) A pharmacy intern shall

(1) write one comprehensive outline for each 40 hours of employment, of at least 300 words about a pharmaceutical preparation, drug or specialty in the notebook required under (b) of this section until he has accumulated 500 hours of internship; pharmacy interns with 500 or more hours of internship need not comply with this requirement;

(2) record prescriptions or chart orders filled in the notebook required under (b) of this section and personally fill at least at the rate of 100 prescriptions per 40 hours worked after completion of 1,000 hours of internship;

(3) observe the dispensing and recording of sales of controlled substances as those substances are defined by federal and state laws and regulations.

(4) study the method of controlled substance inventory in compliance with federal and state laws and regulations; and

(5) make out official order forms, except for signature, for the purpose of controlled substances.

(b) A pharmacy intern must record in a suitable notebook the experience he has gained to show he has met the training requirements outlined in (a) of this section. The notebooks will be reviewed and considered by the board in determining whether or not a pharmacy intern has met the training requirements in (a) of this section. (Eff. 4/11/76, Reg. 58)

Authority: AS 08.80.030(4),(5) and (7)

12 AAC 52.030. INTERN EXPERIENCE IN A HOSPITAL. Pharmacy intern experience in a hospital must be obtained in a hospital pharmacy licensed as an inpatient and outpatient hospital pharmacy as defined in AS 08.80.480.16). (Eff. 4/11/76, Reg. 58)

Authority: AS 08.80.030(4),(5) and (7)

12 AAC 52.040. INTERNSHIP IN GOVERNMENT-OPERATED INSTITUTIONS. The completion of an internship served in a pharmacy not licensed by the board but operated in an institution established by the state will be sufficient to meet the requirements set out in AS 08.80.110(5) if the following conditions are met:

(1) the applicant has served his internship under the supervision of a pharmacist licensed by the state; and

(2) supervising pharmacist certifies that the pharmacy in which the internship was completed meets all of the requirements set out by federal law and regulation, the Alaska Statutes, and this chapter. (Eff. 4/11/76, Reg. 58)

Authority: AS 08.80.030(4) and (5)
AS 08.80.110(5)

ARTICLE 2. HOSPITAL PHARMACIES

Section

100. Preparation of list of noncontrolled legend drugs

110. Prepackaging noncontrolled legend drugs
120. Labeling prepackaged noncontrolled legend drugs
130. Supervision of prescribing physician; procedure for delivery to patient of prepackaged, noncontrolled legend drugs
140. Pharmacist in charge of hospital pharmacy

12 AAC 52.100. PREPARATION OF LIST OF NONCONTROLLED LEGEND DRUGS. The licensed pharmacist or licensed consultant pharmacist in charge of a hospital pharmacy or drug room, in consultation with the hospital's medical staff, shall prepare a list of noncontrolled legend drugs which may be delivered to outpatients receiving emergency treatment when a licensed pharmacist is not on duty and the prescribing physician is not present. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.030(4) and (8)
AS 08.80.390

12 AAC 52.110. PREPACKAGING NON-CONTROLLED LEGEND DRUGS. Licensed pharmacists may prepackage noncontrolled legend drugs identified on the list prepared under sec. 100 of this chapter. There shall be no more than six doses of the drug in each prepackaged container. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.030(4) and (8)
AS 08.80.390

12 AAC 52.120. LABELING PREPACKAGED NONCONTROLLED LEGEND DRUGS. (a) Drugs prepackaged under sec. 110 of this chapter must be labeled by the pharmacist at the time of packaging.

(b) The prescription label or unit dose package label must contain

- (1) a blank space for the name of the patient;
(2) a blank space for the name of the prescribing physician;
(3) the name of the drug;
(4) the strength of the drug;
(5) the expiration date of the drug, if applicable;

- (6) the lot number of the drug;
- (7) the date of prepackaging;
- (8) a blank space for the date of delivery to patient;
- (9) a prescription number;
- (10) initials of the pharmacist who prepackaged the drug;
- (11) the name and address of the hospital;
- (12) directions to the patient or, if not predetermined, a blank space for special instructions of the prescribing physician; and

(13) a blank space for the name or initials of the person delivering the drug. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.030(4) and (8)
AS 08.80.390

12 AAC 52.130. SUPERVISION OF PRESCRIBING PHYSICIAN; PROCEDURE FOR DELIVERY TO PATIENT OF PREPACKAGED, NONCONTROLLED LEGEND DRUGS. (a) If a licensed pharmacist is not on duty, emergency room personnel may deliver noncontrolled legend drugs, prepackaged in accordance with secs. 100-120 of this chapter, to a person receiving emergency outpatient treatment on receiving on order from a licensed physician. The physician's order may be by written or telephonic communication. No more than one prepackaged container of the same drug may be delivered to a person receiving emergency outpatient treatment, unless more than one package is required to sustain the patient until the first available pharmacist is on duty in the community.

(b) When delivering drugs under this section, the person doing so shall

(1) complete the label affixed to the container with all required information except that the name and strength of the drug may be deleted on order of the prescribing physician; and

(2) prepare a record of delivery which includes all of the information listed in sec. 120 of this chapter.

(c) The record prepared under (b)(2) of this section shall be given to the pharmacist in charge of the hospital pharmacy at the beginning of the pharmacist's next duty day.

(d) This section does not authorize other than emergency room personnel on a hospital's staff to deliver noncontrolled legend drugs to outpatients receiving emergency treatment.

(e) This section does not authorize the delivering of controlled legend drugs by any person not authorized by law to dispense controlled legend drugs. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.030(4) and (8)
AS 08.80.390

12 AAC 52.140. PHARMACIST IN CHARGE OF HOSPITAL PHARMACY. (a) The pharmacist in charge of the hospital pharmacy shall within a reasonable time record all drugs delivered to outpatients under sec. 130 of this chapter in the pharmacy record book maintained for the recording of all medication delivered from the emergency room under this chapter.

(b) The entry made under (a) of this section must include logging the prescription number and all information required by the record of delivery prepared under sec. 130(b)(2) of this chapter and must be shown as a completed prescription.

(c) The pharmacist in charge of the hospital pharmacy shall determine what constitutes an adequate supply of prepackaged, noncontrolled legend drugs for use under the provisions of this article. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.030(4) and (8)
AS 08.80.390

**ARTICLE 3.
GENERAL PROVISIONS**

**Section
900. Definitions**

12 AAC 52.900. DEFINITIONS. In this chapter unless the context otherwise requires

(1) "board" means the Board of Pharmacy;

(2) "state" means the State of Alaska;

(3) "completed prescription" means the prescribed drug has been delivered to the patient, on a physician's order, that all blank spaces on the label have been filled in, and a record of doing so has been given to the pharmacist so he may file the prescription as required by law;

(4) "deliver to patient" means completing the blank spaces on the label of the prepackaged drug and actually handing the package to the patient, or the patient's representative;

(5) "dose" means the amount of medication that is to be given at one specific time, as determined by the physician;

(6) "emergency room personnel" means those employees of a hospital who are designated by the administrator of the hospital, or by the personnel committee of the hospital, to be employed in the emergency room of the hospital for the purpose of administering emergency treatment to patients;

(7) "noncontrolled legend drug" means any drug that bears on the label the legend, "TO BE DISPENSED ONLY ON OR BY THE PRESCRIPTION OF A PHYSICIAN," but not drugs that have been classified as "CONTROLLED SUBSTANCES" under the Federal Controlled Substances Act of 1970 (21 USC Section 801 et seq.);

(8) "pharmacy record book" means a book kept for the sole purpose of logging all information pertinent to the delivery of noncontrolled legend drugs under secs. 100-140 of this chapter;

(9) "physician's order" means an order given to the emergency room personnel by a physician licensed to practice in Alaska or recognized by the hospital as a physician who may practice medicine in the hospital;

(10) "prepackage" means placing in a container that meets federal and state qualifications as a legal container, not more than six doses of a noncontrolled legend drug and affixing a label to the container that includes all of the information required under sec. 120 of this chapter;

(11) "present" means physically present in the emergency room of the hospital with patient. (Eff. 12/17/76, Reg. 60)

Authority: AS 08.80.031
AS 08.80.390

STATE OF ALASKA
DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
BOARD OF PHARMACY
POUCH D, JUNEAU, ALASKA 99811

PHARMACY PROCEDURE SHEET

LICENSURE BY EXAMINATION:

The following documents MUST be on file before you will be considered for examination:

1. COMPLETED AND NOTARIZED APPLICATION, INCLUDING PHOTOGRAPH.
2. CERTIFIED COPY OF DIPLOMA FROM A COLLEGE OF PHARMACY RECOGNIZED BY THE NABP OR A NOTARIZED COLLEGE TRANSCRIPT SHOWING THE MOST RECENT DEGREE GRANTED
3. NOTARIZED EVIDENCE OF HAVING COMPLETED 1500 HOURS OF INTERNSHIP UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST, 540 HOURS OF WHICH MUST BE COMPLETED AFTER GRADUATION
4. FEES: a. Examination fee--\$50. b. Biennial license fee--\$50. must be submitted before your license will be issued and may be submitted before the examination.

The Board of Pharmacy will administer the pharmacy examination during the month of June. Notice of the exact time and location will be given in the month of March.

LICENSURE BY ENDORSEMENT THROUGH THE NABP:

The following documents MUST be on file before you will be considered for licensure by endorsement:

ITEMS 1 & 2 above

3. CERTIFIED COPY OF CURRENT LICENSE FROM THE STATE ON WHICH YOU BASE YOUR REQUEST FOR LICENSURE
4. FEES: a. Reciprocity investigation fee--\$25. b. Biennial license fee--\$50. must be submitted before your license will be issued and may be submitted with your Alaska application.

Upon receipt of the preceding listed items, procedure will begin for endorsement through the NABP. If everything is in order, your license will be issued when the final NABP application is received and you have passed the Alaska Jurisprudence examination.

NOTE TO ALL APPLICANTS FOR LICENSURE BY ENDORSEMENT THROUGH THE NABP:

Eligibility for reciprocal licensure in all states is contingent upon the applicant's qualifications at the time of his licensure by examination in the state from which he applies.

The NABP requires that applicants complete the PRELIMINARY application for reciprocal licensure in order that eligibility may be determined. The preliminary application will be supplied by the Secretary of the Board of Pharmacy or the Department.

The PRELIMINARY application must be completed in full and SUBMITTED TO the NABP with a fee of \$75.00 in the form of a money order, bank draft, or certified check. This is NOT to be confused with the fees required by the Board of Pharmacy in Alaska. Complete instructions are given on the PRELIMINARY NABP application and should be read carefully to insure prompt handling of your application.

PROCEDURES FOR OBTAINING A TEMPORARY LICENSE TO PRACTICE PHARMACY:

The following documents MUST be on file with a Board member or the Department before you will be interviewed for a Temporary License:

ITEMS 1, 2, & 3 in section LICENSURE BY ENDORSEMENT

4. Fees: a. Temporary License fee--\$10. b. Reciprocity investigation fee--\$25. c. Biennial License fee--\$50.

Upon receipt of the above listed items the Jurisprudence examination will be given by one of the Board members. After the issuance of your Temporary License, you will have three months to complete and submit to the Department the final NABP application form.

All copies of documents MUST BE CERTIFIED by a Notary Public to be true copies of the original documents. Copies no larger than 8 1/2" x 11" preferred. YOUR APPLICATION AND SUPPORTING CREDENTIALS WILL BE RETURNED TO YOU IF THEY ARE NOT COMPLETE AND IN PROPER FORM.

PROCEDURE FOR REGISTERING AS A PHARMACY INTERN TO PRACTICE PHARMACY:

A Pharmacy Intern Permit may be issued by a Board member to an applicant upon passing the Alaska Jurisprudence examination given by the Board member. The Intern Permit is valid for one year and may be renewed upon application and payment of the annual fee.

The following documents MUST be on file with a Board member or the Department before you will be interviewed for a pregraduate Pharmacy Intern Permit:

1. COMPLETED AND NOTARIZED INTERN APPLICATION, INCLUDING PHOTOGRAPH
2. PROOF THAT YOU ARE ENROLLED IN A SCHOOL OF PHARMACY RECOGNIZED BY THE NABP AND THAT YOU ARE DECLARED A JUNIOR BY THAT SCHOOL OF PHARMACY
3. \$10 REGISTRATION FEE

The following documents MUST be on file with a Board member or the Department before you will be interviewed for a postgraduate Pharmacy Intern Permit:

ITEM 1 above

2. CERTIFIED COPY OF DIPLOMA FROM A SCHOOL OF PHARMACY RECOGNIZED BY THE NABP OR A NOTARIZED COLLEGE TRANSCRIPT SHOWING THE MOST RECENT DEGREE GRANTED
3. \$10 REGISTRATION FEE

Upon receipt of the above listed items the Jurisprudence examination will be given by one of the Board members.

FOR INFORMATION REGARDING JOB OPPORTUNITIES OR SALARY SCHEDULES, PLEASE CONTACT THE SECRETARY OF THE ALASKA PHARMACEUTICAL ASSOCIATION, P.O. BOX 1185, ANCHORAGE, ALASKA 99501.

8. How many hours of internship have you completed since graduation? _____

9. Where and under whom did you complete your internship? (give name and address of pharmacist, pharmacy; and dates of internship)

10. To what county, district or state pharmacy associations have you belonged? (if you have never been a member of a society, indicate reasons below)

Name Address

11. How many years of practical experience have you had where drugs, medicines, and poisons were dispensed and retail prescriptions compounded? _____

12. LIST EXPERIENCE IN DETAIL:

Name of Employer _____
Address _____
From _____ To _____ Position Held _____

Name of Employer _____
Address _____
From _____ To _____ Position Held _____

Name of Employer _____
Address _____
From _____ To _____ Position Held _____

IF ANY OF THE FOLLOWING ANSWERS ARE YES, EXPLAIN IN DETAIL IN AFFIDAVIT FORM ON A SEPARATE SHEET.

13. Have you ever been called before any state board for interrogation concerning any violation of pharmacy laws or unethical conduct?.....() ()

14. Have you ever been denied a certificate by, or the privilege of taking an examination before, any state pharmacy board?.....() ()

15. Have you ever had a license to practice as a registered pharmacist revoked or suspended?.....() ()

16. Have you ever been charged or convicted of a violation of a U.S. or state statute or regulation excluding minor traffic violations?..... () ()

17. Have you ever been addicted to or excessively used alcohol, narcotics, barbiturates or habit-forming drugs?.....() ()

18. Have you ever been treated for drug addiction or inebriety?.....() ()

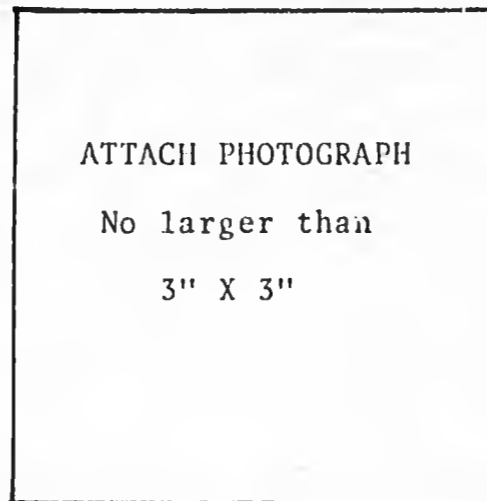
19. Have you ever applied for and been denied a DEA number?.....() ()

20. Have you ever surrendered your DEA number for any other reason than routine matters?.....() ()

21. Have you ever been charged with or convicted of a violation of any federal or state narcotic law?.....() ()

22. Are there any charges involving any of the above items pending against you?.....() ()

I HEREBY CERTIFY that the information contained in this application is true and correct to the best of my knowledge. I further certify that all credentials supplied by me are true and correct and that the photograph which appears below is a true likeness of myself taken within the past sixty (60) days. I understand that any false information or falsification of credentials may result in failure to obtain a license to practice as a Registered Pharmacist in the State of Alaska.



Signature of Applicant

SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State of _____ this _____ day of _____, 19 _____.

Notary Public

My Commission Expires

NOTARY SEAL

23. CERTIFICATE OF MORAL CHARACTER

THIS CERTIFIES that I have been personally acquainted with _____ for _____ years and that I know him/her to be of good moral character, not addicted to the use of habit-forming drugs or intemperance, and I recommend him/her to the Board of Pharmacy, State of Alaska, as being entirely worthy to be licensed to practice pharmacy in Alaska pursuant to law.

Name _____

Address _____

SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State
of _____ this _____ day of _____, 19_____.

Notary Public

My Commission Expires

NOTARY SEAL

24. CERTIFICATE OF MORAL CHARACTER

THIS CERTIFIES that I have been personally acquainted with _____
for _____ years and that I know him/her to be of good
moral character, not addicted to the use of habit-forming drugs or
intemperance, and I recommend him/her to the Board of Pharmacy, State of
Alaska, as being entirely worthy to be licensed to practice pharmacy in
Alaska pursuant to law.

Name _____

Address _____

SUBSCRIBED AND SWORN before me, a Notary Public, in and for the State
of _____ this _____ day of _____; 19_____.

Notary Public

My Commission Expires

NOTARY SEAL

*Section 1. AS 08.80.140 is amended to read:

Sec. 08.80.140. LICENSE BY ENDORSEMENT. The board may register without examination , except the jurisprudence examination , an applicant who has been certified as a registered pharmacist by the National Association of Boards of Pharmacy, if the applicant meets the requirements of § 110(1)-(4) of this chapter.

*Section 2. AS 08.80.320(b) is amended to read:

(b) In communities which have one licensed pharmacy, the owner of the pharmacy shall have a pharmacist, licensed and registered under this chapter, on duty [, OR ON CALL,] at all times that the pharmacy is open for business , but during the time that a pharmacist is not on duty and the remainder of the store is open for business , the pharmacy must be in compliance with § 365(1),(3) and (4) of this chapter. Stores in existence on the effective date of this section have one year to comply with this section.

*Section 3. AS 08.80.030(6), AS 8.80.040(7), AS 08.80.117, AS 08.80.160(13), AS 08.80.380, AS 08.80.420 and AS 08.80.480(19) are repealed.