

S B

550

A M E N D M E N T

OFFERED IN THE SENATE:

By: SENATE HESS

To: _____ SENATE BILL No. 550

HOUSE BILL No. _____

PAGE: _____

LINE: _____

Page 5, line 25

Delete "\$25" and insert "\$100"

Page 7, line 2

Delete "licensed physician" and insert "person licensed to prescribe controlled substances"

Page 7, line 4

Delete "licensed physician, surgeon, dentist, or veterinarian" and insert "person licensed to prescribe federal legend drugs"

Page 3, line 23

Delete "08.80.420" and insert "08.80.420(b)"

SB550 "An Act relating to ^{S. HESS 19-580} ~~protection~~ ~~of~~ ~~the~~ ~~pasture~~
B. HESS presenting a bill to the pasture

Introduced 4-7-80
Logged 4-7-80
Reference - none
Comm. meeting 4-9-80
" action

HSS notified

WORKSHOP RECOMMENDED CHANGES

SB 541 - Dispensing Opticians

- 1) Delete "reasorable" in Sec. 10 (AS 08.71.175(6)(d))

P5, L21

SB 549 - Nursing Home Administrators

- 1) Make board's composition comply with federal regulations - suggest reducing to three member board

P1, L22

SB 550 - Pharmacy

- 1) Rationale for wholesale licenses

SB 551 - Optometry

- 1) Include Canada
- 2) Remove "certificate number"
- 3) Include definition of optometry/practicing optometry

P3, L12

P6, L21

P7, L1

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Eastgate Shopping Center 5600
DeBarr Rd
Pharmacy

Gambell Street Carrs Payless
Gambell
Pharmacy

Seward & Dimond Shopping Center
900 E Dimond Blvd
Pharmacy

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Pharmacy
The Mall
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Pharmacy

CARRS PAYLESS SHOPPING CENTERS
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Sec. 16 - Enumerates "Disciplinary Sanctions"

Sec. 17 - Provides for penalty for individual who is found guilty of violating chapter

Sec. 18 - Defines "controlled substance"

Sec. 19 - Repeal section

Sec. 20 - Effective date

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87-715

PHARMACY - SECTIONAL

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- Sec.15 -- Revises fees.
- Sec.16 -- Imposes grounds for disciplinary sanctions
- Sec.17 -- Enumerates "disciplinary sanctions"
- Sec.18 -- Penalty clause
- Sec.19 -- Defines "controlled substance"

-continued on next page-

Sec. 20 -- Repealers:

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08.80.040(3) - Repeals board's duty to "initiate prosecution of any person violating this chapter."

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08.80.117 - Repeals malpractice insurance

08.80.160(13)- Repeals shopkeepers permit fee

08.80.250 - Repeals "Renewal of lapsed registration." This repeal is necessary because this bill is providing for the board to establish regulations in which renewal will be based upon continued competency

08.80.260 - Repeals "Grounds for refusing or revoking a license." We are replacing this with our "Grounds for imposition of disciplinary sanctions" section.

08.80.265 -Repeals "Limits or conditions on license; discipline." We are replacing this with our "Disciplinary sanctions" section.

08.80.365(2) -Repeals subsection (2) of this section. Partial closure of pharmacy. A pharmacy or paharmacy 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.....
(2) be advertised by the methods described in secs. 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.

08.80.380 - Repeals "issuance of shopkeeper permits."

08.80.420(b) - Repeals subsection (b) of this section. Certain advertising prohibited.....(b) A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription.

08.80.480(19)-Repeals definition of shopkeeper.

Sec. 21 -- Effective date.

COPY OF OUR COMM: HEE'S AMENDMENTS
ATTACHED.

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MARCH 31, 1980

BOARD OF PHARMACY

No problem with section 1-4

Section 5. Sen. Fahrenkamp. Does this require the department to notify these people if their licenses are out or is it the person who has got the license job to see that they get their license?

Ann Griggs. As it reads in here, it looks as though they are going to be on their own which is something that we don't mind at all.

Sen. Hackney. Does this cause any problem as far as you are concerned?

McCorcle. No, that's the way I think it should be.

Sen. Hackney. As long as they know when it expires, its up to them to renew it.

Jana Varatti. I, as a board member, do not agree with that in that if we are increasing the length of time between renewing licences, I think it would be very helpful if only once every four years a notice was sent out to the people. We're cutting it in half by saying "from two to four" and I think that it would be very helpful with all the licenses and registrations and everything that professionals have to maintain to have the department send out a notice. I don't see anything in this proposed statute that addresses that. I can't remember in the statute what the requirements on the department are, but I don't think it addresses that in this bill.

Sen. Hackney. It doesn't say that the division can't go ahead and notify them, so I would almost say that if the Pharmacy Board was to decide they wanted notification, I think Ann would be willing to say 'ok, we'll blow 15¢ every four years.

Sen. Fahrenkamp. Another part of that wording bothers me . . . "contingent upon proof of continued competency". Who makes that determination, how, where, when and why?

Sen. Hackney. That would be by regulation that the method of determining that continued competency would be . . . that's something we can't write into law.

Sen. Fahrenkamp. Well, I'm sure of that, but I'm just wondering if they have something on which they base that determination now.

McCorcle. As of now, we have no way of proof of continued competency. The national board has tried to put together an exam for people that have been practicing for a number of years of a similar type as the entrance exam. At this point nothing has been developed.

Sen. Fahrenkamp. Is there offered within this state or within the U.S. updated materials, or can you get them through teleconferencing or can you get them through cassettes or training sessions. It seems to be just unreasonable to state we are going to require this, this or this when it's not offered in this state or not available.

McCorcle. The board actually feels this way too. This was not our putting in.

Sen. Hackney. The reason for this particular one being added, were concerns brought up during the hearings held on the Sunset last year . . .

Sen. Fahrenkamp. My only problem with it is, it's all right to require people keeping up with their education if the means of doing so is available, but if it isn't then I think we are being unreasonable and we should look at that.

Sen. Hackney. I agree, but this, again, really depends on the people who make up that Pharmacy board because they are going to be the ones who determine for their own profession what criteria should be set up for determining that continuing competency.

McCorcle. This is going to make us do that?

Sen. Hackney. Yes. It says you 'shall adopt regulations'.

Section 6 of the bill provides for removal of board members by the governor for cause. You'll notice that unexcused absences from meetings constitute cause for removal. But again, the board can determine how many absences that might . . . that was something that we heard during testimony that often board members flat don't show up and there is no way to get rid of them.

Section 7 is housekeeping.

Sen. Sturgulewski. I have a question on Sec. 8. 160 visa-vi the 540, is that a reasonable thing?

Conger. We got that from the board.

McCorcle. Yes, we discussed that at the last meeting and we agreed . . .

Sen. Sturgulewski. That 160 is enough after the kind of training they are getting. OK, no problem with that.

Sen. Hackney. Section 9 . . .

Conger. That section was deleted by mistake and it should have been the section dealing with malpractice insurance so now they are coming back putting this intern pregraduate and postgraduate pharmacist program back into the statute and deleting the malpractice insurance section that was supposed to have been taken out.

Sen. Hackney. No problem with that Mr. McCorcle?

McCorcle. No.

Sen. Hackney. Section 10. Instead of endorsement, it simply changes the word.

Section 11.

Sen. Sturgulewski. As I recall, the reason for that was if the board didn't meet it might keep someone from being licensed for too long a period of time.

Conger. This permits just a member of the board, not the entire board.

Ann Griggs. That's good. Some times they have to sit and wait for six or seven weeks.

Sen. Hackney. Section 12.

Section 13. Qualifications on retail and wholesale drug dealers. Mr. McCorcle, you might address the difference between a retail and a wholesale drug dealer.

McCorcle. Well, the wholesaler would be one that would sell to another, not the consumer . . .

Sen. Hackney. Do we have any wholesale drug dealers in the state?

Sen. Sturgulewski. Well, like V.F. Grace (?). This is something different. He would not be issued a license by the board of pharmacy whereas he was not licensed before.

Conger. What this is doing is deleting the shopkeeper permit provision and what happened before is retail and wholesale licenses were granted, however, the only thing that dealt with those subjects in the law was the permit. How much they would pay for a fee but would not discuss their qualifications or anything like this so that is what this section is attempting to do.

And they are getting rid of the shopkeeper permit business.

Sen. Sturgulewski. What about land facilities and equipment, etc. in Sec. 13. What about out of state distributors now, I don't quite understand what we are saying here. Are we saying they have to be physically land based in Alaska in order to be a wholesale, to have a wholesale license. Isn't that kind of a radical thing. Let's take a look of how it really works out there, we've got Pay N Save and we've got all of these different kinds of things. What are we saying by this? Are we adding a new, OK, the current law, as I understand it, allows for licensing of these wholesalers but does not require any conditions. What I seem to be reading, and I just got this, it looks like you are talking about having to be physically located within Alaska. What if I sell to a chain, to Pay N Save, to Safeway, to whoever, are we talking about completely revolutionizing the drug business here by this bill?

McCorcle. I don't think so.

Sen. Sturgulewski. But there is a difference. If ~~XXXXXX~~ we're saying here they have to be located in Alaska we are doing a major change in the whole distribution. I'm not saying that's good or bad, I'm merely saying I want to know what I am doing. And, I don't know what we are doing by adding section 13.

Ann Griggs. What you are saying is that then the detail men that come in from Parke Davis and these outfits would not be physically located in Alaska.

Sen. Sturgulewski. Well, they aren't now. That's what I am saying.

Ann Griggs. This is non-controlled legend drugs.

McCorcle. I'm still not sure that I understand your question. The mail order places outside are not licensed in Alaska, but we say nothing about those people.

Sen. Sturgulewski. Why don't you tell me what section 13 says.

McCorcle. It just says that if anybody wants to set up a business, a wholesale business, in Alaska, he has to have the equipment to do it.

Sen. Sturgulewski. Can he be a wholesale drug dealer from outside? And have a licensed if he is based outside.

McCorcle. I don't see how we could license an outside firm. No.

Sen. Hackney. But, that wouldn't prevent a salesman from coming in though, would it?

Sen. Sturgulewski. Well, I wonder if it would.

Ann Griggs. I don't know. I'm wondering as Sen. Sturgulewski says, if it would in the long run prevent . . .

Sen. Sturgulewski. What are non-controlled legend drugs again?

McCorcle. They are those that require prescription, but are not narcotic in the classified section.

It seems to me that we are only dealing with our own people. We are writing laws to govern the practice in this state.

Sen. Sturgulewski. I understand that, but what's the difference between a wholesale drug dealer that happens to reside in the state and any one of the national firms that have their warehousing out there and they sell to the druggist who stocks it. So, why do we say we will license just the ones that happen to have their facilities here.

Sen. Fahrenkamp. I think I can clear that up. We don't issue any license to out of state we have no control over them. That doesn't mean we prohibit them in the state. But, if we do license one within the state then they must show that they are not just getting a fluke license, that they do have the capability of carrying it out.

We have no control over outside business. We cannot license a large drug company outside, but that doesn't mean we can't use their drugs within the state. If they are setting up a business here though as a wholesaler in the state then they must show that they have what ever is necessary to do the job they say they can do in the state before they are issued a license.

Sen. Hackney. Then when a salesman comes through, would you read that that the salesman would have to have a license?

Sen. Fahrenkamp. No, the salesman wouldn't be a wholesaler, he'd be a salesman for the wholesalers of the outside company.

Sen. Hackney. That's right, he's not wholesaler himself.

Tam Cook. It seems to me that the salesman would be affected if he is distributing drugs.

Sen. Hackney. But, what if he is only taking orders?

Tam Cook. If he is taking orders, I'm sure that that would be called distributing drugs because once he's got the order, he's got to fill it doesn't he?

Sen. Hackney. Well, I don't think we want to cover that individual. How do we get it out of there.

Tam Cook. We can simply describe that this section does not apply in the case of an out of state salesman who is working for a wholesaler which is located out of state.

Sen. Sturgulewski. Why do we want to cover the one in state? Are we doing it because we inspect their, if they are doing manufacturing, to see if they are doing the right kind of manufacturing. Are we checking them to see that they . . . why some and why not all, and why not anybody?

Tam Cook. I think along that line, one might muse upon why we would subject our in state salesman to a licensing procedure and then not subject an out of state person to the same procedure if the purpose of the license is to impose some kind of control upon their activities, I would think it would be in the state's interest to control everybody.

Sen. Sturgulewski. But, the point is that we've tied it in. If he furnishes proof that he is equipped with land, facilities, equipment and so on to carry on the business, then we are going to license him. But, apparently, we are not going to license in this case, and here is where I get confused, if we have a salesman for anybody and he lives here, we are not going to license him and we are not going to license somebody that flied into the state, so why are we licensing the one that have a physical facility?

Sen. Hackney. Why don't we just exclude anyone who

Sen. Sturgulewski. Didn't this come from the pharmacists?

Conger. Yes. This section did.

McCorcle. Well, for one thing the wholesale needs something to hang his hat on too. If you are going to be in business you need some reason to be in business. You need something to be legal.

Sen. Sturgulewski. Are you talking about a business license?

McCorcle. Partly, yes.

Sen. Sturgulewski. This is different. This is a professional license by the Board of Pharmacy.

Tam Cook. My suspicion is that because so many of these drugs that these manufacturers or wholesalers will be dealing with have both federal and state controls on them that unless a person did have some kind of a license he would not be able to manufacture or have them within the state. So, pershpas this is a necessary section to enable industries to be established within our state and to enable them to go ahead and manufacture especailly federally controlled drugs. Is this what you were getting at sir?

McCorcle. Well, it seems to me that the wholesale outfit should I mean if it is only separating the wholesale from the retail . . .

Sen. Sturgulewski. I'm trying to look for the public protection here and I don't see that I have enough information.

Jana Varrati. It seems that all states provide for the wholesaling procedure in their states. It seems to me that this provides for the setting up of a wholesaling process in Alaska and that it is not necessary to license people coming in from other states if they are already licensed in the state from which they are coming?

Sen. Sturgulewski. Where we do we have anybody that has the power to check to see that somebody does in fact . . . for instance on mobile homes we have a procedure where the department of Commerce, there are certain manufacturers that are licensed to have their produce within the state.

If that's what the case is, that everybody that wells drugs is licensed, but we are just taking care of our own . . .

I have no objection if this is a reasonable thing. It has not been shown to me that this is a reasonable thing.

Sen. Hackney. OK, we'll take that up with Mr. Ulmer.

~~Sec. 16 of the bill describes what the board may do in the way of disciplinary sanctions. Any problem with that?~~

Section 17

-8-
Sen. Hackney. Section 14 of the bill is the fee section.

Sen. Fahrenkamp. What happens when we set fees by legislation? Are we taking away one of the duties of the board if we set the fees ourself and is it going to mean that in order to change any fees in the future that you have to come to the legislature with a bill to change them?

Ann Griggs: You do anyway because they are all set by statute.

Sen. Hackney. It gives the legislature an opportunity to look at the fees . . .

McCorcle. Mr. Ulmer was concerned about being only one, well \$200 for four years. Is it going to be pro-rated then? Four years is getting to be quite a long time for a license. Suppose the guy dies the first six months or the second six months or whatever?

Ann Griggs. No, the pharmacist himself is licensed, not the store.

Licenses are pro-rated in most cases.

Sen. Hackney. Section 15 poses grounds for disciplinary sanctions. Does anyone have any problems with the 12 items listed?

Sen. Sturgulewski. This has always been a problem. It would certainly help the board.

Ann Griggs. I will eventually have to have clarification on #12 under that.

Tam Cook. The reason for number 12. #12 was included in the old, original bill that the pharmacy board was set up under. It is one of the recently added provisions. In Title 9 there is now as a part of the medical malpractice insurance section there is now a provision where essentially it provides #12. For some reason when that was adopted, this section was added to all of the health boards. I picked it up and put it in here, but there is no reason to leave it in there. Essentially, that provision is in effect anyway as a part of the medical malpractice provisions if they apply to this board. I believe it was put automatically into all of the health boards because when you read it it doesn't sound very syncicle when you apply it to the various boards.

Sen. Hackney. Let's say that someone had a malpractice against a pharmacist and they came to that pharmacy with a prescription to be filled and the pharmacist said OK, but you sign off on . . . but that is covered elsewhere in law?

Tam Cook. Yes, and how it applies exactly to the pharmacist, I'm not sure. It was a general provision under the medical malpractice health laws that were passed and the only way that I can imagine it would come up in regards to a pharmacy would be if a pharmacist actually filled a prescription with a incorrect drug.

Sen. Hackney. LET'S STRIKE IT.

Sec. 16 of the bill describes what the board may do in the way of disciplinary sanctions. Any problem with that?

Section 17 provides the class of misdemeanor that the person may be guilty of who violates a provision of the chapter. Any problem with that?

Section 18. Defines controlled substances. I presume that is in line with the laws that took place two years ago.

Tam Cook. The criminal code uses the term "controlled substance" and they refer us to these statutes so in order to be somewhat consistent I used the criminal codes' treatment. The two statues in question actually come from the health department controlled foods and drugs and they each provide a fairly lengthy description of what constitutes a controlled substance.

Sen. Hackny. Section 19 simply repeals present sections of law.

Section 20 is the effective date.

So, our only real problem with this is section 13 and Paul, would you work with Miss Cook and get hold of Eldor Ulmer maybe in a three-way conversation and see if we can't get that things straightened out.

C. 4/1/80 hearing committee made amendments as they appear on forms

PHARMACY - SECTIONAL

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08.80.260 - Repeals "Grounds for refusing or revoking a license." We are replacing this with our "Grounds for Imposition of disciplinary sanctions" section.

08.80.265 -Repeals "Limits or conditions on license; discipline." We are replacing this with our "Disciplinary sanctions" section.

08.80.365(2) -Repeals subsection (2) of this section. 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.....
(2) be advertised by the methods described in secs. 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.

08.80.380 - Repeals "issuance of shopkeeper permits."

08.80.420(b) - Repeals subsection (b) of this section. Certain advertising prohibited.....(b) A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription.

08.80.480(19)-Repeals definition of shopkeeper.

Sec. 21 -- Effective date.

The following changes are to be incorporated into the practice act revisions re: the following health boards - Dental, Dispensing Opticians, Veterinarians, Physical Therapists, Optometrists, Psychologists, Chiropractors, Pharmacy, Nursing Home Administrators, Medical.

#1 - Board members and composition, NO CHANGE

P1, L21 - Limit board membership to two consecutive four year terms.

P5, L1 #2 - Revise fee schedule.

P2, L5 Allow for license renewal to occur every four years

#3 - Eliminate re: to "good character," "professional conduct," etc., unless behavior defined.

P1, L25 #4 - Consider giving boards responsibility of determining licensing standards through regulations.

P3, L8 #5 - Out-of-state licensees credentialed through a process/by standards equivalent to ours - should be licensed by endorsement.

#6 - Eliminate standards protecting economic interest of occupational groups, reducing information flow or restricting competition.

P2, L5 #7 - License renewal provisions have been revised which allow for renewal to occur every four years.

→ MAKE license renewal contingent upon proof of continued competency with BOARDS DETERMINING BY REGULATION how continued competency will be demonstrated.

P6, L8 #8 - Licensing violations: make sure that each board may revoke, suspend or take any other disciplinary action necessary to correct incompetency.

P2, 10 #9 - Establish section providing for removal of board members. Grounds for removal should include: (1) unexcused absences, (2) license violation, (3) anything detrimental to public interest served by board.

WO 8316
Cook

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 practice of pharmacy; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided in this title [ALL] licenses
12 shall be renewed biennially on the dates set by the department with the
13 approval of the respective board.

14 * Sec. 2. AS 08.80.020 is amended to read:

15 Sec. 08.80.020. TERM OF OFFICE. Members of the board are ap-
16 pointed by the governor, and confirmed by the legislature in joint
17 session, for overlapping terms of four [FIVE] years, or until their
18 successors are appointed and qualified. The terms of the public members
19 shall be staggered so that they do not [NO] expire at the same time. An
20 appointment to fill a vacancy is for the unexpired term. The term of
21 office begins on April 1 of each year. A person who has served two
22 successive complete terms may not be reappointed until four years from
23 the expiration of the second term.

24 * Sec. 3. AS 08.80.030 is amended by adding a new paragraph to read:

25 (9) adopt requirements for licensing in addition to the
26 requirements set out in this chapter.

27 * Sec. 4. AS 08.80.040(1) is amended to read:

28 (1) examine qualified applicants for registration as phar-
29 macists; [EACH EXAMINATION SHALL BE GRADED BY A MEMBER WHO RESIDES IN A

1 JUDICIAL DISTRICT OTHER THAN THE DISTRICT IN WHICH THE APPLICANT RE-
2 SIDES;]

3 * Sec. 5. AS 08.80.040 is amended by adding new paragraphs to read:

4 (8) adopt regulations insuring that renewal of licenses
5 occurs every four years and is contingent upon proof of continued com-
6 petency;

7 (9) hold hearings and order disciplinary sanctions against a
8 person who violates this chapter or the regulations of the board.

9 * Sec. 6. AS 08.80 is amended by adding a new section to read:

10 Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A member of the board
11 may be removed from office by the governor for cause. The board may by
12 regulation provide that unexcused absences from meetings constitute
13 cause for removal.

14 * Sec. 7. AS 08.80.110(4) is amended to read:

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

17 * Sec. 8. AS 08.80.110(5) is amended to read:

18 (5) have completed at least 1,500 hours of internship
19 training under the direct supervision of a licensed pharmacist in a
20 licensed pharmacy, 160 [540] hours of which must have been completed
21 after graduation.

22 * Sec. 9. AS 08.80 is amended by adding a new section to read:

23 Sec. 08.80.116. LICENSE OF PREGRADUATE AND POSTGRADUATE INTERN
24 PHARMACIST. (a) An applicant for licensure as a postgraduate intern
25 pharmacist shall meet the requirements of AS 08.80.110(1) - (3) and pay
26 the required fee.

27 (b) An applicant for license as a pregraduate pharmacist shall
28 meet the requirements of AS 08.80.110(1) and (2) and shall be enrolled
29 in a pharmacy school recognized by the National Association of Boards of

1 Pharmacy as a junior. An applicant may be on recognized vacation from
2 the pharmacy school; however, the vacation may not exceed one quarter or
3 one semester. The pregraduate internship pharmacist shall pay the
4 required fee.

5 (c) The license of a postgraduate or pregraduate internship phar-
6 macist is valid for one year and may be renewed upon application.

7 * Sec. 10. AS 08.80.140 is amended to read:

8 Sec. 08.80.140. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board
9 may license [REGISTER WITHOUT EXAMINATION] an applicant who has been
10 certified as a registered pharmacist by the National Association of
11 Boards of Pharmacy [,] if the applicant meets the requirements under
12 AS 08.80.110 and passes the state jurisprudence examination [OF AS 08.-
13 80.110(1) - (4)].

14 * Sec. 11. AS 08.80.150 is amended to read:

15 Sec. 08.80.150. TEMPORARY LICENSE [REGISTRATION]. The board, or
16 a member of the board, may [SHALL] issue a temporary license to an
17 applicant applying for a license under AS 08.80.140 [REGISTRATION AS A
18 PHARMACIST UNDER AS 08.80.140] upon written or oral examination before a
19 member of the board and certification by the member to the secretary of
20 the board that the applicant is competent to receive a temporary li-
21 cense. The temporary license is valid for three months, or until the
22 next regular meeting of the board, whichever is longer. A temporary
23 license is not renewable, but at the discretion of the issuing board
24 member may be extended for a period not to exceed 60 days, and an appli-
25 cant may not receive more than one temporary license. An applicant
26 whose license [REGISTRATION] has been denied by the board is not eli-
27 gible to receive a temporary license.

28 * Sec. 12. AS 08.80.155(a) is amended to read:

29 (a) The board, or a member of the board, may [IN ITS DISCRETION]

1 grant an emergency permit to a pharmacist for the purpose of providing
2 coverage in a pharmacy which is temporarily without the services of a
3 pharmacist due to death, illness or other emergency circumstances.

4 * Sec. 13. AS 08.80 is amended by adding a new section to read:

5 Sec. 08.80.157. RETAIL AND WHOLESALE LICENSES. (a) If an appli-
6 cant furnishes proof satisfactory to the board that he is equipped with
7 land, facilities, and equipment, in fee or leased, necessary to carry on
8 the business described in the application and the applicant complies
9 with this chapter, applicable regulations adopted by the board, and pays
10 fees provided for under AS 08.80.160, the board may issue

11 (1) a wholesale drug dealer license to an applicant who
12 manufactures or distributes noncontrolled legend drugs to licensed
13 retail pharmacists, dentists, physicians, surgeons, or veterinarians,
14 who may purchase noncontrolled legend drugs at a wholesale level, or to
15 government agencies which may purchase noncontrolled legend drugs at a
16 wholesale level;

17 (2) a wholesale drug dealer license to a qualified applicant
18 who is in compliance with the Federal Controlled Substance Act of 1969
19 as amended; or

20 (3) a license to a retail pharmacy.

21 (b) A license under this section may not be issued to a person who
22 has been convicted of a wilful violation of a federal law or a law of
23 any state relating to a drug or controlled substance, or who is addicted
24 to a drug or controlled substance. A license may not be issued to a
25 corporation with a managing officer who has been convicted of a wilful
26 violation of a federal law or a law of any state relating to a drug or
27 controlled substance, or who is addicted to a drug or controlled sub-
28 stance.

29 * Sec. 14. AS 08.80.160 is amended to read:

1 Sec. 08.80.160. FEES. The following fees shall be imposed under
2 this chapter when applicable:

- 3 (1) examination fee..... \$50
- 4 (2) re-examination fee..... \$15
- 5 (3) [RECIPROCITY] investigation fee for licensing
6 by credentials..... \$25
- 7 (4) [BIENNIAL] pharmacist license fee and renewal
8 fee due every four years..... \$200 [\$50]
- 9 (5) temporary license fee..... \$20 [\$10]
- 10 (6) wholesale drug dealer [BIENNIAL] license fee
11 and renewal fee due every four years..... \$200 [\$50]
- 12 (7) retail pharmacy [BIENNIAL] license fee
13 and renewal fee due every four years..... \$200 [\$50]
- 14 (8) pharmacy intern license [REGISTRATION] fee..... \$10
- 15 (9) emergency permit fee..... \$10
- 16 (10) hospital pharmacy [BIENNIAL] license fee
17 and renewal fee due every four years
18 (in and outpatient)..... \$200 [\$50]
- 19 (11) hospital drug room [BIENNIAL] license fee
20 and renewal fee due every four years
21 (inpatient)..... \$25
- 22 (12) nursing home and related facilities [BIENNIAL]
23 license fee and renewal fee due every four
24 years for inpatient dispensing..... \$100 [\$25]
- 25 [(13) SHOPKEEPERS BIENNIAL PERMIT FEE..... \$10]
- 26 (14) license amendment or replacement fee..... \$10 [\$2]

27 * Sec. 15. AS 08.80.260 is repealed and re-enacted to read:

28 Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

29 The board may, after a hearing, impose a disciplinary sanction on a

1 Sec. 08.80.160. FEES. The following fees shall be imposed under
2 this chapter when applicable:

- 3 (1) examination fee..... \$50
- 4 (2) re-examination fee..... \$15
- 5 (3) [RECIPROCITY] investigation fee for licensing
6 by credentials..... \$25
- 7 (4) [BIENNIAL] pharmacist license fee and renewal
8 fee due every four years..... \$200 [\$50]
- 9 (5) temporary license fee..... \$20 [\$10]
- 10 (6) wholesale drug dealer [BIENNIAL] license fee
11 and renewal fee due every four years..... \$200 [\$50]
- 12 (7) retail pharmacy [BIENNIAL] license fee
13 and renewal fee due every four years..... \$200 [\$50]
- 14 (8) pharmacy intern license [REGISTRATION] fee..... \$10
- 15 (9) emergency permit fee..... \$10
- 16 (10) hospital pharmacy [BIENNIAL] license fee
17 and renewal fee due every four years
18 (in and outpatient)..... \$200 [\$50]
- 19 (11) hospital drug room [BIENNIAL] license fee
20 and renewal fee due every four years
21 (inpatient)..... \$25
- 22 (12) nursing home and related facilities [BIENNIAL]
23 license fee and renewal fee due every four
24 years for inpatient dispensing..... \$100 [\$25]
- 25 [(13) SHOPKEEPERS BIENNIAL PERMIT FEE..... \$10]
- 26 (14) license amendment or replacement fee..... \$10 [\$2]

27 * Sec. 15. AS 08.80.260 is repealed and re-enacted to read:

28 Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

29 The board may, after a hearing, impose a disciplinary sanction on a

1 person licensed under this chapter when the board finds that he

2 (1) secured a license through deceit, fraud, or intentional
3 misrepresentation;

4 (2) engaged in deceit, fraud, or intentional misrepresenta-
5 tion in the course of providing professional services or engaging in
6 professional activities;

7 (3) advertised professional services in a false or misleading
8 manner;

9 (4) has been convicted of a felony or other crime which
10 affects his ability to continue to practice competently and safely;

11 (5) intentionally or negligently engaged in or permitted the
12 performance of patient care by persons under his supervision which does
13 not conform to minimum professional standards regardless of whether
14 actual injury to the patient occurred;

15 (6) failed to comply with this chapter, with a regulation
16 adopted under this chapter, or with an order of the board;

17 (7) continued to practice after becoming unfit due to

18 (A) professional incompetence;

19 (B) failure to keep informed of or use current pro-
20 fessional theories or practices;

21 (C) addiction or severe dependency on alcohol or a drug
22 which impairs his ability to practice safely;

23 (D) physical or mental disability;

24 (8) engaged in lewd or immoral conduct in connection with the
25 delivery of professional service to patients;

26 (9) made a controlled substance available to a person except
27 upon prescription issued by a licensed physician;

28 (10) was convicted of selling federal legend drugs without the
29 prescription of a licensed physician, surgeon, dentist, or veterinarian;

1 (11) violated state or federal regulations pertaining to the
2 provision of adequate security of dangerous drugs;

3 (12) denied care to a person seeking assistance from a phar-
4 macist if the sole reason for the denial was the refusal of the person
5 to execute an agreement to arbitrate an issue arising out of the care
6 sought.

7 * Sec. 16. AS 08.80.265 is repealed and re-enacted to read:

8 Sec. 08.80.265. DISCIPLINARY SANCTIONS. (a) When it finds that a
9 licensee is guilty of an offense under AS 08.80.260, the board may
10 impose the following sanctions singly or in combination:

11 (1) permanently revoke a license;

12 (2) suspend a license for a determinate period of time;

13 (3) censure a licensee;

14 (4) issue a letter of reprimand;

15 (5) place a licensee on probationary status and require the

16 licensee to

17 (A) report regularly to the board upon matters involving
18 the basis of probation;

19 (B) limit practice to those areas prescribed;

20 (C) continue professional education until a satisfactory
21 degree of skill has been attained in those areas determined by the
22 board to need improvement;

23 (6) impose limitations or conditions on the practice of a
24 licensee.

25 (b) The board may withdraw probation status if it finds that the
26 deficiencies which required the sanction have been remedied.

27 (c) The board may summarily suspend a license before final hearing
28 or during the appeals process if the board finds that the licensee poses
29 a clear and immediate danger to the public health and safety if the

1 licensee continues to practice. A person whose license is suspended
2 under this section shall be entitled to a hearing by the board no later
3 than seven days after the effective date of the order. The person may
4 appeal the suspension after a hearing to a court of competent juris-
5 diction.

6 (d) The board may reinstate a license which has been suspended or
7 revoked if the board finds after a hearing that the applicant is able to
8 practice with reasonable skill and safety.

9 (e) The board shall seek consistency in the application of dis-
10 ciplinary sanctions, and significant departure from prior decisions
11 involving similar situations shall be explained in findings of fact or
12 orders.

13 * Sec. 17. AS 08.80.460(a) is amended to read:

14 (a) A person who violates a provision of this chapter [FOR WHICH
15 NO PUNISHMENT IS PROVIDED] is guilty of a class B misdemeanor [AND IS
16 PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, OR BY IMPRISONMENT FOR A
17 PERIOD NOT TO EXCEED THREE MONTHS OR BY BOTH].

18 * Sec. 18. AS 08.80.480 is amended by adding a new paragraph to read:

19 (20) "controlled substance" means a narcotic drug as defined
20 in AS 17.10.230(13) or a depressant, hallucinogenic or stimulant drug as
21 defined in AS 17.12.150(3).

22 * Sec. 19. AS 08.80.030(6), 08.80.040(3) and (7), 08.80.117, 08.80.-
23 160(13), 08.80.250, 08.80.260, 08.80.265, 08.80.365(2), 08.80.380, 08.80.420,
24 and 08.80.480(19) are repealed.

25 * Sec. 20. This Act takes effect immediately in accordance with AS 01.10
26 070(c).