

BOARD of
PHARMACY

report to
Legislature

Ulmer



DOWNTOWN REXALL DRUG
415 West 5th - P.O. Box 1420
Anchorage, Alaska 99510 • (907) 277-2567

ANCHORAGE PROFESSIONAL PHARMACY
2841 DeBarr Rd., Suite #225 • Box 1420
Anchorage, Alaska 99510 • (907) 264-1650

ULMER REXALL & TRUE VALUE HARDWARE
Lakeside Mall • Box 520
Homer, Alaska 99603 • (907) 235-8594



3 March 1984

Senator Richard Eliason
Chairman, Committee on Labor & Management
Alaska State Senate
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Dick:

I am aware that your Committee will be dealing with Sunset Legislation as it involves the Board of Pharmacy. I have been a member of the Board since 1978 and President for much of that time. The Governor in his infinite wisdom, recently removed me from the Board, so I no longer serve. I am however very much concerned about the future of the Board, and particularly, in the ability of the Board to implement the Controlled Substance Act (AS 17.30 & AS 17.35). This ability to perform has been greatly impeded by the present administration, for the various reasons that are in the attached copy of REPORT TO THE LEGISLATURE, FY'83.

The Legislature, by enacting AS 17.30 & AS 17.35, mandated that the Board of Pharmacy function as the agency to implement the legislation. I broke my back, spending hundreds of hours, as explained in the report, to assure an early implementation of the requirements. No cooperation was given the Board by either the Governor or the Division of Occupational Licensing, although I wrote and called on numerous occasions. The Governor's letter to me (Addendum # 2, in the report) promised that "serious consideration" would be given my request. Nothing happened.

I am sending you the report so you may be informed as to actions taken by all parties concerned. I may come to Juneau to testify, on my own behalf, if I can arrange it. I am sure the Pharmacy Board members will be doing likewise.

Sincerely,

Eldon R. Ulmer, R.Ph.

Encl: Copy REPORT TO THE LEGISLATURE FY'83 (Board Pharmacy)

BOARD OF PHARMACY

Report to the Legislature FY ' 83.

Submitted August 11 , 1983

CONTENTS:

1. Cover Letter .
2. Narrative Statement.
3. Statistical Overview .
4. Review of prior years objectives .
5. Goals and Objectives for FY ' 84
6. Budget Recommendations .

Addendum # 1 :	Ulmer letter to Treagger	5 March 1983
Addendum # 2 :	Governor's letter to Ulmer	28 March 1983
Addendum # 3 :	Lawson letter to Treager (cover letter Treager to Ulmer)	13 April 1983 15 June 1983
Addendum # 4 :	Treager letter to Ulmer	29 July 1983
* Addendum # 5 :	Notice of Proposed Regulation changes	13 July 1983

* This is a FY '84 action item , but shown here as these regulations were reviewed in FY ' 83 & passed at a FY '83 board meeting.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

August 11 , 1983

BILL SHEFFIELD, GOVERNOR

Board of Pharmacy

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

Mr. Harry D. Treager
Director
Division of Occupational
Licensing
Department of Commerce and
Economic Development
Pouch D
Juneau , Alaska 99811

Dear Mr. Treager:

In compliance with AS 37 and AS 08 and on behalf of the Board of Pharmacy , I am submitting the enclosed Annual Report concerning the board's activities and accomplishments for Fiscal Year 1983.

In compliance with AS 37 and specifically with AS 08.80.040 (4) , and on behalf of the Board of Pharmacy , please submit this report to the Legislature.

Should there be any questions concerning this report, please feel free to contact me . Thank you.

Sincerely,



Eldon R. Ulmer, R.Ph.
President
Board of Pharmacy

Enclosure A six part report with the inclusion of five addendums.

Part 2.

Narrative Statement prepared and submitted by
Margaret Soden , R.Ph., Secretary of the Board
for FY '83

FY '83 was a significant year for the Alaska Board of Pharmacy. Not only did we have our usual number of requests for information, applicants for licensure, and general Board business to conduct at each meeting, but the Alaska Controlled Substances Act became effective on January 1, 1983. The Act impacts our Board to a great extent in that we are the responsible administrator of Title 17, Chapter 30, Regulation of Manufacture, Distribution, Prescription and Dispensing of Controlled Substances and Title 17, Chapter 35, Marijuana Therapeutic Research Program.

Because Title 17 did not become effective until January 1, 1983, we could not actually begin working on our duties as outlined in the two Sections cited above. We did, however, do much preliminary work in ascertaining how best we could handle state registration of Federal Drug Enforcement Administration (DEA) registrants (estimated to be 1000-2000 in number), the procedure for obtaining therapeutic marijuana for the research program, seeking out physicians to serve on the Patient Qualification Review Committee established in Section 35, and a number of miscellaneous administrative details.

In April 1983 the Regulations Specialist budgeted to work with the Board was hired. At our June 1983 meeting she presented regulations for the state registration of all Alaskan DEA license holders and for the Marijuana Therapeutic Research Program's Patient Qualification Review Committee. With some changes, the regulations were approved and are now in the "notice and hearing" phase. We are hopeful they will be adopted before November or December so we can begin registration and officially appoint the four physicians who have agreed to serve on the Patient Qualification Review Committee.

In general business of the Board this year we:

1. Completed inspection of all pharmacies, drug room, hospital pharmacies and nursing home drug rooms with the exception of those in Seward, Glenallen and Seldovia. We also followed up on violations observed in prior inspections such as security in two retail pharmacies and general physical conditions in one Anchorage pharmacy.

2. Observed non-compliance with prescription advertising regulations in a Fairbanks pharmacy, corresponded with the outlet in question and the problem was resolved.

3. Rewrote several questions on our Jurisprudence exam to include the Controlled Substances Statute and Marijuana Program.

4. Approved a form for the reporting of Continuing Education that will be required of pharmacists with their June 1984 renewals.

5. Asked that updated statute books be sent to all licensees. This required two printings so is in progress.

6. Sought and had preliminary approval for the Board to participate in the National Association of Boards of Pharmacy (NABP) Foundation's newsletter program. This newsletter is published quarterly with two pages of Federal regulations news and two pages of state news. It is a very worthwhile and timely publication. The DOL felt it would be more cost effective to publish a newsletter locally so withdrew approval. However no state publication has been done since Fall 1981 with the exception of a very short several paragraph letter sent to licensees in early 1982. Although \$1000 was budgeted for FY'83, no newsletter type communication from the DOL or Board of Pharmacy was sent to licensees.

7. Held a joint meeting with the Medical and Nursing Boards in February 1983 in which we discussed matters of common interest. One matter of particular concern was the emergency room dispensing of controlled substances on weekends, evenings or at other times when the pharmacist or pharmacist/consultant is not available. This is a

This is a special problem throughout Alaska. DEA had a proposed rule change which would have allowed emergency controlled substances to be allowed in such situations, but nationally it met with a great deal of opposition. We were the "cry in the wilderness" in favor. DEA has now dropped the whole idea. The Alaska Board of Pharmacy cannot write regulations counter to Federal law so the problem will remain.

8. Reviewed several requests from individuals and groups for approval of Continuing Education programs not strictly meeting the requirements of our regulations.

9. Received a favorable opinion from Attorney General, Wilson Condon, covering our Board's desired policy regarding investigations handled by DOL.

10. Attempted to come to some understanding with the Alaska Dental Society and the Board of Dental Examiners relating to the practice by some dentists of writing prescriptions outside their area of expertise. Many pharmacists were refusing to fill prescriptions for non-dental related conditions and some tension was the result.

11. Acted on proposals or legislation of interest either as a Board or individually. Some of them were:

- a. Alaska Code Revision-did not support as currently written.
- b. HB 10 Imitation Controlled Substances-supported with qualification.
- c. HE 225 Use of Drugs by Optometrists-did not support as written.
- d. Proposed change in regulations regarding "keys to a pharmacy."
- e. Repealed several CE regulations-a "housekeeping" measure.

12. Began preparing for Sunset Review in 1984. Carol Carroll, Legislative Audit, attended our February 1983 meeting and we discussed several activities and questions she had with regard to Pharmacy Board policy or procedure. We individually received and responded to "Interim Letter No. 1" from the Committee.

Our primary continuing concern is with the need to proceed with implementation of Title 17, Sections 30 and 35 with all due haste. Over seven months have passed and little concrete progress appears to have been made. We are particularly concerned with the staff budgeted to put Title 17, Sections 30 and 35 into effect. The Board was budgeted for two Regulations Specialists and two Investigators. We feel very strongly that two Regulations Specialists are not needed nor are two Investigators needed to do the work our portion of Title 17 requires. We have requested on several occasions that the one Regulations Specialist and one Investigator positions budgeted (but unfilled to this date) be somehow changed to encompass an "executive secretary/inspector" (various titles may be used) type person who would directly attend to the administrative duties we are now required to handle. Our licensing examiner cannot be expected to fulfill these functions along with her other duties. It is important that this position be filled by someone familiar with pharmacy nomenclature, pharmacy procedures, the administration of a Controlled Substances Act and Marijuana Program, and be able to handle and review the registration of 1000 to 2000 Alaska Controlled Substances licensees as a year long, on going process. This person could also serve as an inspector since that activity will increase with the implementation of Title 17. This

would also release the Pharmacy Board members from an inspection function which they do as personal time and funds allow. For a more complete discussion, see the attached letter and review of the Board's position written by Mr. Eldon Ulmer, Chairman.

The second major concern is for some sort of timely publication to be sent to all licensees. Since we are currently implementing a whole new section of regulations that very directly impact the practice of the pharmacy profession in this state, some means of communication is vital. The Board would prefer participation in the NAEP program since it encompasses both Federal and state activities. Since many other states participate in the program, the cost of publication is shared. Timely communication to licensees is the key to our concern and in FY '83 there was none. We are hopeful the \$1000 we included in Budget FY '84 for a newsletter will be used to achieve this goal.

Part 3.

Statistical Overview prepared and submitted by
Licensing Examiner Barbara Branson for FY '83.

BOARD OF PHARMACY
FISCAL YEAR 1983
STATISTICAL REPORT

EXPENDITURES

Travel & Per Diem.....\$9,196.25
Contractual.....\$1,600.11

RECEIPTS

Application & License Fees.....\$8,128.00

LICENSES ISSUED

Pharmacists.....26
Retail Dealers.....4
Wholesale Dealers.....0
Hospital Pharmacies.....1
Hospital Drug Rooms.....0
Nursing Home Drug Rooms.....0
License Renewals.....1

EXAMINATIONS

June 28-29, 1983 NABPLEX EXAM, Anchorage, Alaska

Three Candidates - PASS: 3 FAIL: 0

BOARD MEETINGS

October 7-8, 1982 Fairbanks, AK

February 24-25, 1983 Juneau, AK

June 28-29, 1983 Anchorage, AK

Part 4: Review of Prior Year Objectives

The Board of Pharmacy enumerated eight objectives for FY '83. Several of these have been discussed previously in the "Narrative Statement" but will be repeated here to comply with the requested format. The eight objectives were:

1. Inspect all pharmacies licensed under the Board of Pharmacy Jurisdiction. The board's activity as to inspections was limited due to lack of funds and time. The board realized that the implementation of its responsibilities under AS 30 and AS 35 would make it impossible to inspect all pharmacies. The board decided to follow up in problem areas that were revealed in the massive inspections conducted in FY '81 and FY '82. Almost all pharmacies had been inspected in those two years. This would delay the next statewide inspection of pharmacies until FY '84, rather than to spend funds that might jeopardize the board's fiscal ability to conduct the three board meetings programmed for FY '83. The problem area follow up revealed that the installation of a sink in one pharmacy had been accomplished, that adequate security of those pharmacies (who closed their prescriptions departments when other areas of the store were open) had been accomplished, and that house keeping measures had been improved in those areas where adequate cleanliness had been found to be below approved standards.
2. Establish continuing education method of reporting and auditing for licensure requirements for 1984. The board adopted the reporting and auditing system developed by Sid Fry, R.Ph., professional member of the board from Sitka. A form was approved, to be mailed with the license renewal statement. Pharmacists will be required to submit the completed form, showing they have completed the required number of continuing education hours, with the understanding that a spot check system of those hours will be conducted.
3. Meet the requirements of the Controlled Substance Act AS 30 and The Marijuana Therapeutic Research Program Statute AS 35. These two statutes, although passed by the legislature in 1982, did not go into effect until January 1, 1983. There were no funds available for half of FY '83 for the implementation of the statutes. This crammed all effort by the board into the six month period from January 1, 1983 until June 30, 1983. The board was aware of this and spent many hours individually, and collectively, prior to the first meeting of the board in February of 1983, preparing proposed regulations so that a running start could be made at the February meeting. Pages of these proposals were prepared by the president of the board and brought to the February meeting. The board had requested that a representative from the Attorney General's office and a representative from the Special Prosecutor's Office be in attendance at the February meeting. This request was granted and these two professionals were very helpful in the area of regulations.

3. (continued)

The many pages of proposed regulations presented by the president of the board, were considered in depth by the board. It was agreed that this was a starting point, but that many more pages would be necessary before all subjects and requirements were met. Several facts were made available to the board at the February meeting, that here-to-fore were not known by the board. The board started as early as FY'81 (as substantiated by minutes of meetings in FY 81 and FY '82) planning for action under the then proposed controlled substance act that was being considered by the legislature. The board realized (again substantiated by minutes of meetings of FY'81 and FY'82) that the board would need certain personnel, within the Division of Occupational Licensing (DOL) to effectively administer a controlled substance act, if the board was given the responsibility of administering the act. The board placed high priority on the hiring of an executive-secretary type person, on a full time basis, who would work within the jurisdiction of the DOL, but at the direction and guidance of the board. The board realized that it would need a full time regulation specialist and after the regulations had been adopted, and a licensing system had been established, possible the service of an investigative person. Some of these requests were provided for when the DOL submitted the board's budget to the budget process for FY'83. The most needed position request was completely ignored by the DOL when the line items were submitted to the legislature via the budget process. The position of executive-secretary had been left out and instead, the budgeted dollars for personnel that were allowed with enactment of the Controlled Substance Act and AS 35, were submitted requesting two investigators. The board was frustrated by this action of the DOL, since the board had not been made aware of the line item requests made by the DOL. An investigator will be needed in FY 85 or FY'86. Investigators are not needed until the licensing process is established so there are licenses to investigate, if problems occur. The hiring of investigators will accomplish nothing in the early stages of implementation of AS 30 and AS 35. Dollars will be wasted. Investigators specifically hired (not under the intent of the legislature when enacting AS 30 and AS 35) will sit on their hands, or be used by the director of DOL in other areas outside the budget of the board of pharmacy and in violation of the intent of the legislation. The board knows that the Controlled Substance Acts of Washington, Oregon, and Wyoming were all put in place effectively, with the aid of an executive secretary type person. These three states have established programs and have been effectively operating them for from five to seven years. They do so with the help of a full time executive secretary type person. The board has knowledge that there are a number of people who have been working in the programs of those three states, both as executive secretaries and investigators, who are interested in coming to Alaska in a like position. The board does not know of any person presently with the DOL or available in Alaska who could qualify for this highly technical and specialized position.

3. (continued)

When the director of DOL advised the board that the budget line items could not be changed and that his plan was to hire the two investigators, the board was in shock. An immediate evaluation of what would happen under such a plan revealed the fact that the program would be in jeopardy and indeed probably completely delayed until the action by the director of the DOL could be changed or altered. The director then advised the board that the only remedy was to submit a request to the department of personnel that a "special exemption" status be enacted and that an executive-secretary position be created under the special exemption process. The other alternative is to seek legislative action. Since time is already a prime factor, a delay until legislative action can be taken in January or February of 1984, would seriously delay placing the provisions of AS 30 and AS 35 on stream. The board requested that the director of DOL apply for a special exemption status and proceed full speed with the request. The director asked the president of the board to write him a letter, requesting that this action be taken. He also requested that the president of the board write a job description for the executive-secretary position and provide the qualifications for the job. The president of the board spent many hours drafting the qualifications and the job description and sent them with a cover letter to the director of DOL with copies to the Governor, the Legislative Audit Committee, and the Speaker of the House and President of the Senate as well as to the Attorney General and the Commissioner of Commerce & Economic Development. A copy of that letter and the qualification paper and job description are attached to this report as Addendum # 1. A copy of the letter from the Governor, in reply to the receipt of all the material that went to the director of DOL, is attached to this report as Addendum # 2. The request, through the personnel officer of the DOL to the personnel office of the state, was garbled. This is evident from the letter of reply written to the request. The letter rejecting the request states that an exchange of the "positions" of investigators to the "positions" of executive type personnel was denied. The board did not ask that the two investigator positions be exchanged for two secretary type positions. It asked that the two positions of investigators be changed to ONE POSITION OF EXECUTIVE-SECRETARY. This exchange would result in one less person being hired and would be cost effective due to the elimination of one position. Not only would the exchange benefit the board in implementation of AS 30 and AS 35, BUT DOLLARS WOULD BE SAVED. A copy of the memorandum of April 13, 1983 to the director of DOL from the personnel officer of DOL, Jim Lawson, is attached as Addendum # 3. The board meeting in June of 1983, again asked the director of DOL to appeal the decision of the personnel director, and to specifically state that only one person was being asked for instead of two. The director apparently did appeal and a copy of the letter of July 29, 1983 written by the director of DOL to the president of the board, advising of the failure of the appeal, is attached as Addendum # 4.

3. (continued)

The board has spent much valuable time in FY'83 trying to convince the director of DOL, the Commissioner of Commerce & Economic Development, and the Governor that the board believes the intent of the legislature in the enactment of AS 30 and AS 35 was to get the job done. The board believes that the pressure by-pass special exemption method of securing the necessary qualified personnel in the DOL to aid the board in implementing AS 30 and AS 35 should and could be used, if it were presented properly. The progress of the board in implementing the statutes has been greatly impeded by the lack of the qualified personnel. The director of DOL finally hired a regulation specialist, who came on board in mid April 1983. This regulation specialist has been of great help and with the help of a regular regulation specialist in the Juneau office of DOL, prepared regulations that were patterned after those written by the president of the board. These proposed regulations were presented to the board at the June 1983 meeting. Changes were made and the proposed regulations were asked to be put in final form and promulgated as soon as possible. An outline copy of these regulations is attached as Addendum #5. Irregardles to all the road blocks that have impeded implementation of AS 30 and AS 35, the following has been accomplished:

- A. The board president contacted, first by phone, and then where needed, by letter....the following:
- Federal Drug Administration (FDA)
 - The National Institute of Drug Abuse (NIDA)
 - The Drug Enforcement Administration (DEA)
(State level, Regional level, National level.)
 - The National Eye Institute (NEI)
 - The National Cancer Institute (NCI)

The FDA sent copies of the Group Guidelines for the use of Delta-9-Tetrahydrocannabinol (THC) NSC 134454 along with registration forms, order forms, and information on obtaining marijuana for use when implementing AS 35. The DEA sent a complete print out of all DEA registrations in Alaska (some 1000), when the board president wrote them and explained that the list was imperative to the program in Alaska. The board president further asked and received a letter from DEA allowing limited distribution of this list to pharmacies (as the only people other than the board and its extensions) who have a need for this list. The NIDA, the federal agency authorized to issue THC, promised to co-operate with the board when regulations are implemented, so we have a source of THC (marijuana derivative) for the research program.

- B. The president of the board contacted many ophthalmologists, radiologists, psychiatrists and members of the Medical Board, in an effort to stimulate as much interest as possible with those professionals so they would apply for appointment to the Patient Qualification Review Committee (AS 17 35). Copies of the law were handed out at a meeting of the psychiatry Association meeting,

3. (continued)

- resulting in the application from a psychiatrist, a radiologist, a ophthalmologist and a response from a member (professional member) of the medical board.
- The president of the board ,with the help of the regulation specialist, designed an application form to be used by these professionals. The professionals filled the forms out and sent them to the president of the board, who presented them at the June meeting. All were approved for appointment and the president of the board (attested to by the secretary) mailed official letters of appointment to the four physicians. As soon as promulgations are finalized, this Patient Qualification Review Committee will meet and the program will be initiated.

- C. The board is still persuing with vigor the attempt to bring an executive -secretary on board at DOL.

- D. Controlled substance license forms are being designed with the help of the regulation specialist. The concept, if not the actual form, was approved at the June meeting. This form will speed up the licensure of those that are required to be licensed under AS 30, as soon as all regulations are promulgated , hopefully early FY '84.

- E. The president of the board did write a qualification paper for an executive secretary and also a job description (see Addendum #1).

- F. Regulations as evidenced by Addendum # 5 are being promulgated , after approval at June meeting of the board.

- G. In summary , a great deal has been done and a great deal of it by individual action by dedicated board members. A great deal more could have been accomplished with the help of qualified personnel.

4. Promulgate regular regulations (other than those mandated by AS 30 & AS 35. . The board at a regular meeting voted on the need for regulations that would specifically allow the secretary of the board to keep " copies" of applications for registration and back up material copies to aid all board members in the issuing of temporary permits. A board member assumes a great responsibility when he/she issues one of these permits. The board member needs to be able to verify that all material submitted is factual and all necessary requirements are met. The personnel at DOL have demonstrated a lack of knowledge to look at documents and verify facts. A board member, assuming the responsibility for the qualifications of an applicant, when a temporay permit is issued , would be remiss indeed if all material is not checked by a professional member of the board. This person should be the secretary, who should have copies of all documents , so the proper information can be transmitted to the issuing board member. The board member is responsible , not a member of DOL staff, who might interpret information wrong, and result in a license being issued without proper qualification. The director of DOL told the regulation specialis to put that regulation "on the back burner" and not do anything about it. Result.....no regulation, even though voted on

5. News letter in cooperation with the National Association of Boards of Pharmacy (NABP). The NABP in cooperation with most of the 50 states, prints a news letter and mails it to pharmacists within the states. The NABP, uses 50 % of the space in the letter for national news, and the boards of pharmacy of participating states send in state news, thus supplying the other 50 % of the news letter. The NABP puts this together and mails each state the news letter pertaining to their individual states. This usually is mailed from the NABP after approval of the participating state. The board in regular session unanimously approved participation in this program. The secretary was instructed to obtain all the details and if it could be done within the budget, to proceed with the letter. The director of DOL had a ten or fifteen minute telephone conversation with a member of the attorney general's office, and as a result nixed the letter. ResultNo news letter, although it is greatly needed to make regulons aware of ANP and PA licensure as well as regulation changes and board actions. Most states, if they have the financial means (board's budget privided funds) participate in this very worth while project. Alaska does not and the board wonders why, when it was passed in regular session and funds budgeted for it.
6. Department news letter.(DOL). The board was told that the DOL was planning a department news letter that could and would contain news items from all boards that are associated with DOL. The board (or boards) were to submit news items when this publication was to go to press. To the boards knowledge no such letter was published in FY '83 and if it was, no news was solicited from the pharmacy board.
7. Conduct three regular board meetings during FY '83. The board did conduct three meetings during FY'83. The dates and location of these meetings was: October 7 & 8, 1982 in Fairbanks; February 24 & 25, 1983 in Juneau; June 28 & 29, 1983 in Anchorage. Most material covered in those meetings is reported in the "Narrative Report", so will not be repeated here other than to note that the goal of holding three meetings was met.
8. Board response to sunset. The members of the board of pharmacy were made aware of the provisions of sunset legislation by the receipt of a letter written February 24, 1983, from the Legislative Audit Committee. The letter asked that the board respond to a questionnaire. The board did. The next communication from the Legislative Audit Committee was in the form of "Interim "Letter No. 1" that was written April 12, 1983 and addressed to each board member. Most board members answered this letter. Documents, letters, and facts were submitted by some board members. The board stands ready, willing, and able to testify, within the budget, or board members individual means, when so asked by the Legislative Audit Committee. The board welcomes the opportunity to present it's argument as to why the board should stay in existance.

1. Inspections:

Inspections of pharmacies was at a minimum during FY '83 due to the pressing demand on the board's time and funds. It is believed that a full scale state wide inspection of pharmacies will be initiated in FY '84. The two professional board members from South Eastern Alaska will team up to cover all of South Eastern. These board members will take advantage of super saver fares when possible and will schedule their inspection so the entire area is covered on one trip . Ideally the board likes to have a professional member team with a non-professional, but there is no non-professional in South Eastern Alaska. This mandates that two professionals conduct that portion of the state wide inspections. Central and North Western Alaska can be covered by having the non-professional member from Anchor Point travel to Fairbanks and team with the professional member there. The two can then inspect all of the Fairbanks area, fly on to Nome and other areas in Central and cover all pharmacies in those areas. The two professional members in the Anchorage area can team with the non-professional member in Anchorage and cover all of the Anchorage area as well as the Matanuska Valley , and areas along the highway . The non-professional member from Anchor Point will be met on the Kenai by one of the professional members from Anchorage to cover all of the Kenai Peninsula . One of the professional members from Anchorage will join with the non-professional from Anchorage and inspect Cordova, Valdez and Kodiak. This plan should effectively cover the state in FY '84, and within the budgeted amount of \$ 5,000.00 (requested).

2. Continuing Education Requirements for Licensure in 1984 and the Future. All regulons will be coming up for re-licensure during 1984 . The board has adopted a program that will allow continuing education credits to be used to satisfy the requirements for competency under AS 08.80.040(8). The board has adopted regulation that will be in force during the registration and re-registration of regulons in 1984 and following years. The board will follow these regulations in 1984 and re-register all applicants who submit the required hours of continuing education and pay the fee. A system for spot checking requirements is established and will be in effect utilizing personnel from the DOL and Board members .

3. Establish, by Regulation , the Procedure for Administration of the Controlled Substance Act AS 17 35 and the Marijuana Therapeutic Research Program, AS 17 35 and Proceed to Administer the Acts: The Federal Controlled Substance Act of 1970 as ammended was put in place in 1970. From that time until January 1 , 1983 , Alaska did not have a workable state controlled substance act. All other 49 states did pass controlled substance acts . Alaska was the last. When the legislature was considering a controlled substance act in the many years between 1970 and 1983 , they always ran into problems and for one reason or another always aborted the efforts . The legitimate industry must have an Alaskan State Controlled Substance Act to exist in harmony with

3. (continued)

Federal Statutes. During 1982 a serious effort by the legislature resulted in the passage of an Alaskan Controlled Substance Act AS 17.30 and a companion act The Marijuana Therapeutic Research Program AS .35. The board of pharmacy attended hearings with the legislative committees and contributed information and expert testimony. In doing so they worked, with the help of those in state government who desired the passage of the act, to write the legitimate industry portion of the act. This portion is known as AS 17 30. The legislature was in doubt as to what board or commission or department should administer the act. During the hearings the board of pharmacy demonstrated knowledge, both in writing the legitimate industry portion, and in an understanding of how it would relate and function with the Federal Act. The question was asked "Does the Board of Pharmacy have the ability and knowledge to administer AS 17 30 and AS 17 35?". The answer given by board members who testified was a resounding "YES", but a qualified "YES". The board has knowledge as to how Washington, Oregon and Wyoming administer their controlled substance acts and the board knew that it could do the samegiven the proper tools and funds. One of the qualifications was that qualified personnel, be hired within the DOL, to assist the board. This qualified personnel should be in the form of an executive-secretary, who should be a pharmacist, and if not registered in the state, be required to become registered in the state. With this qualified and experienced help, the board would be able to properly and promptly put in place all the requirements of AS 17 30 & AS 17 35. The board believed that this would take place, and investigated the availability of qualified people and found at least three people who qualified. These people had many years (from 5 to 8 years) of experience with pharmacy boards from our neighboring states to the south. The board planned to bring one of these people on line at an early date. The board, as outlined in Section 4 of this report, ran into difficulties, not of their doing, but brought on by the erroneous submission of the request for two investigators, instead of the one executive-secretary that the board, in documented minutes, requested. It is the board's goal for FY '84, to have the executive-secretary position placed in the personnel division of the state, so this position may be filled. It can be done by special exception, and done rather rapidly, or it can be done by legislative action early in 1984. It must be done to assure proper implementation of AS 17 30 & AS 17 35 and at the earliest date possible. The board has submitted FY '84 budget as part 6 of this report and has budgeted \$ 35,000.00 for what remains of FY '84, and \$ 52,000.00 in FY '85 and \$ 56,000.00 in FY '86. These budget requests are reasonable and are necessary to get the job done. One person does the job in Washington, in Oregon and in Wyoming. Two investigators are not needed. The board has submitted a budget of \$15,000.00 per year for each of the years FY'84, FY '85 and FY '86, as a travel expense item for the executive-secretary. The executive-secretary, in future years, could take over

3 (continued)

much of the inspection of pharmacies , in conjunction with board members in the various geographic areas of the state. The executive-secretary could also do most of the investigation work , with the help of investigators now employed by the DOL, without hiring additional investigators. This is how the program works in the three states referred to previously in this report. It is effective and it is cost effective. The board has requested \$ 35,000.00 for a regulation specialist for the FY '84 and reduced this to \$ 33,000.00 in FY '85 and to zero in FY'86. Most of the regulations needed should be in place by the end of FY '85. The board has requested that no money be spent or put in the board's budget for investigators for FY 84. The licenses must be issued and in place prior to being able to investigate license violations . The board has requested \$ 45,000.00 a year for investigator hire in FY 85 and again in FY' 86 , as by that time investigations will be in order and indeed needed. The board has requested \$15,000.00 for licensing regulons in each year of FY'84, FY '85 and FY '86., and this amount of money represents the board's share of the expense for a licensing examiner that is shared by other boards. The board has submitted the amount of \$ 1,000.00 per year for each of FY '84, FY '85 and FY '86 for the production of a news letter. It is one of the board's goals that this be done in conjunction with the NABP news letter . The board has requested the sum of \$18,000.00 to conduct three board meetings in FY '84 and the sum of \$ 20,000.00 for FY '85 and the sum of \$22,000.00 for FY '86 . The board has requested the sum of \$ 5,000.00 to help defray the cost of board members being represented at hearings during sunset . In 1979 board members paid their own way to these hearings at a considerable out of pocket expense that should not be a responsibility of board members. Total budget requests for FY '84 is \$158,400.00, for FY '85 it is \$ 194,000.00 and for Fy '86 it is \$163,000.00

4. Promulgate Regulations to Carry Out the Purpose of AS 80, That Have Not Been Previously Considered Due to Work Loads
The board is projecting an expense (budget request) of \$3,000.00 for each year, FY '84, FY '85, and FY '86. This amount should cover actual costs ,not including salary for the regulation specials ,that is submitted elsewhere in budget request.

5. News Letter:

Although the board has been temporarily stopped by action of the director of DOL , from a cooperative effort with the NABP in the production of a news letter, the board has as a goal in FY '84 the establishment of the news letter. The board has asked the attorney general representative , who gave an unofficial negative response to the request the first time, to take an indepth look at the legal problems that are imagined ,to determine that they really do not exist. Most other states have this program with no problems. Alaska should also benefit from the cooperation of NABP in supplying a good news letter to all regulons.

6. The Board Plans Three Regularly Scheduled Meetings for FY' 84 and is Projecting a Like Amount for Each year FY'85 & FY'86
The board will continue to hold at least one meeting a year in Juneau and for FY '84 , has scheduled the fall 1983 meeting in Juneau on October 27 & 28 , 1983. There will probably also be a meeting in Juneau in February 1984 and the June meeting will be held (at an undecided location) and at the time the NABPLEX (national) examination is scheduled nation wide . The board may also hold telephone teleconferences , in FY '84 , in an attempt to expedite implimentation of AS 30 & AS 35 and as a necessity due to limited funds and time. Projected costs are FY'83-'84 & '85 is \$18,20, and \$22,000.00
7. The Board Will Respond to Legislative audit Under "Sunset" Legislation to Justufy the Existance of the Board.
The board strongly feels that the board system is the best method of administering pharmacy laws and regulations, and to this end will present testimony to the legislative audit committee and the various committes? of the legislature, when this is necessary . The pharmacy board was given a vote of confidence , when the Controlled Substance Act was implemented . The legislature felt at that time that the pharmacy board cound administer the Act in a knowledgable and cost effective way. The board in reacting to that confidence is attempting to do just that and to conduct the duties of the board in a responsive and effective manner. Costs are projected as \$ 5,000.00 for FY'84 and no costs for FY '85 & FY' 86 as the two later years are non-sunset years.

Part 6. Budget Recommendations FY '84 With Estimates Budget
Recommendations for FY '85 and FY'86:

ITEM	BUDGET FY '84	BUDGET FY'85	BUDGET FY '86
1. Inspections	\$5,000.00	\$ 5,500.00	\$ 6,000.00
2. Continuing Education	5,000.00	-0-	-0-
3. Controlled Substance Act. AS 30 & AS .35			
A. Executive Secretary	\$35,000.00	\$52,000.00	\$56,000.00
B. Travel for Ex-Sect.	\$15,000.00	\$15,000.00	\$15,000.00
C. Regulation Specialist	\$35,000.00	\$33,000.00	-0-
D. Investigator	-0-	\$45,000.00	\$45,000.00
E. Licensing Examiner (Shared expense)	\$15,000.00	\$15,000.00	\$15,000.00
4. Registration Of Regulators	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
5. News Letter	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
6. Board Meetings (3 a year)	\$18,000.00	\$20,000.00	\$22,000.00
7. Response to Sunset	\$ 5,000.00	-0-	-0-
TOTALS	\$158,400.00	\$194,000.00	\$163,000.00

William Sheffield,

Governor

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

POUCH D

JUNEAU, ALASKA 99811

5 March 1983

Eldon R. Ulmer , R.Ph.
President, Board of Pharmacy
P.O. Box 101420
Anchorage, Alaska 99510

Mr. Harry Treager
Director
Division of Occupational Licensing
Pouch "D"
Juneau , Alaska 99811

Dear Mr. Treager:

Please consider this letter and supportive information attached , as an official request for action by you , from the Board of Pharmacy .

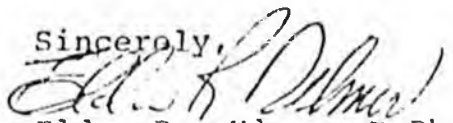
When you met with the Board in Juneau on February 25, 1983, you requested that I write to you asking your help in obtaining changes in the "designation of personnel" portion of the budgeted line items for implementation of AS 17.30 and As 17.35 by the Board of Pharmacy.

You also asked for a job description for the Boards designation of "EXECUTIVE-SECRETARY-INSPECTOR" . In the five pages, attached, stating purpose , and including narrative , conclusion , and an addendum, I have attempted to do that . It is complex , to say the least, but I do believe it conveys the intent of the legislature and a means of implementing that intent.

Please expedite your request for the line item change so we may proceed at once. We are already two months into 1983 , and need to go at full speed in the next month or two .

Let me know as soon as you have hired the regulation specialist that you promised to hire and base in Anchorage. I have five pages of suggested regulations covering not only AS 17.30, but also AS 17.35 . I have a commitment from all four of the physicians to serve in the various categories on the Patient Qualification Review Committee and need the specialist to aid in getting my proposed applications for those positions into printed form, so letters of appointment may be sent.

Sincerely,



Eldon R. Ulmer, R.Ph.

President, Board of Pharmacy

William Sheffield,
Governor

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

5 March 1983

POUCH D

JUNEAU, ALASKA 99811

Eldon R. Ulmer , R.Ph.
President, Board of Pharmacy
P.O. Box 101420
Anchorage, Alaska 99510

Mr. Harry Treager
Director, Division of Occupational Licensing.....

Enclosure: Five pages of supportive material.

COPY TO: Honorable William Sheffield,
Governor, State of Alaska
Pouch "A" State Capitol Building
Juneau , Alaska 99811

Richard A. Lyon, Commissioner Commerce & Econ. Dev.
Pouch "D"
Juneau , Alaska 99811

Honorable Joe Hayes, Speaker of House of Representative
Pouch "V"
Juneau , Alaska 99811

Honorable Jalmar Kerttula, President of the Senate
Pouch "V"
Juneau , Alaska 99811

Norman Gorsuch, Attorney General
Department of Law
Pouch "K"
Juneau , Alaska 99811

Dan Hickey, Chief Prosecutor,
Department of Law
Pouch "K"
Juneau , Alaska 99811

ALL MEMBERS OF ALASKA BOARD OF PHARMACY

Gerald Wilkerson, CPA
Legislative Auditor
Pouch "W"
Juneau, Alaska 99811

ALASKA STATE BOARD OF PHARMACY

IMPLEMENTATION

CONTROLLED SUBSTANCE STATUTE AS.17.30
AND

MARIJUANA THERAPEUTIC RESEARCH
PROGRAM STATUTE AS.17.35

The Legislature passed the CONTROLLED SUBSTANCE STATUTE AS 17.30 AND THE MARIJUANA THERAPEUTIC RESEARCH PROGRAM STATUTE AS 17.35 IN 1982 with an effective date of January 1, 1983.

Much of the responsibility for the implementation of these two statutes rests with the Board of Pharmacy. The legislation did not specifically address the funding for the implementation, nor the number or type of personnel that would be needed for implementation.

The Board of Pharmacy has been planning, since 1981, for the responsibilities that many believed would be vested with the Board, but could make no definite plans until enactment was accomplished and an effective date established.

The Board is now faced with problems of selecting and funding personnel to insure a timely implementation of its responsibility.

N A R R A T I V E:

Under Sec 17.30.010 Regulations must be promulgated.

Under Sec 17.30.020, (a), (b), (c), (d), (e) & (f) Registration requirements must be met.

Under Sec 17.30.030 (a), (b), & (c) Registration must be accomplished.

Under Sec 17.35 Marijuana Therapeutic Research, a program must be established, physicians interviewed and appointed to the Patient Qualification Review Committee and regulations must be adopted to assure this program is administered at a state level that is compatible with Federal Statutes.

All of above can not be accomplished in three meetings of two days each presently budgeted for the Board.

Competent, qualified and experienced personnel must be hired, and fast, to accomplish the mandate of the legislature.

With this in mind the Board as early as June 1981, started setting up a proposed budget and establishing goals and objectives, even though no law was on the books at that time.

At two of its three meetings in 1982, after the enactment of the legislation, but still prior to the effective date, the Board again established goals and an accompanying proposed budget. This fact may be verified by the minutes of all of the above cited meetings and the attached goals and objectives to those minutes.

Throughout the meetings, evidence of the Board's intent can be clearly identified. Never did the Board waver from its intent to hire a "Executive-Secretary" type person to come on board in a full time position. Various budget figures were submitted in the range of \$ 85,000.00 for the period January 1, 1983 through June 30, 1983 (a half year) to fit the fiscal budget time frame from effective date of January 1, 1983.

The Board does not enjoy budget-bypass priveledges and must submit a budget through the Division of Occupational Licensing . It is the Boards understanding that this budget is then submitted through the Division of Commerce and Economic Deveicpemnt and on to the House and Senate Budget Committees .

The Board DID submit a budget , both for the fiscal year 1983 and again for the half-fiscal year 1983(January 1,1983 through June 30 , 1983. The 1983-84 Fiscal year budget was submitted to the Division of Occupational Licensing also, and it is presently in the process.

With each budget request , a breakdown was also submitted. In every request there is an audit trail established in the minutes of meetings and in letters. The Board always included expenses for a position that was labeled various ways , but either was called " Executive-Secretary" or a combined position of "Executive-Secretary-Investigator-Examiner.

The Board realized that a regulation specialist would be needed to promulgate all of the regulations mandated by statute and budgeted for that position also . The Board also ralized that , although it has always been assigned an inspector , by the DOL , that a full time inspector would aslo be needed , in addition to sharing the one used in the past . This would then amount to an investigator and a half (the half one being shared with other boards) and the full time one being used in the extensive investigatory work anticipated in the drug enforcement area .

Somewhere, in the translation from Board minutes and vocal requests, made by the Board to the Director of Occupational Licensing , MUCH WAS LOST. The Board recently was made aware that line item budget items were requested OR AT LEAST GRANTED in the budget , TIED to specific personnel. This personnel is defined, according to the DOL for two regulation specialists and two investigators . These people are in addition to the regular licensing examiner that is assigned to each board and usually shared by at least one other board. The regulation specialists and the two investigators were to be the people that would aid the Board in emplementing its work.

This will just NOT WORK. The Board needs an Executive-Secretary type person , comparable to those in the employee of other states , such as Washington, Oregon, and Wyoming, where state pharmacy boards have full responsibility for their states controlled substance statutes. The Board has in mind at least three people , two of which would be excellent, and who have indicated a desire to come to Alaska . These people have been employed for at least five years as executive-secretaries, and: also have investigate exeperience , and have been involved in the administration of both controlled substance legislation and marijuana research programs . Just the type of person with just the type of experience needed in the initial

N A R R A T I V E : (continued)

stage of the program in Alaska . Unfortunately ,no such position is specifically listed in the job classification program of the state, directly identified with the Pharmacy Board . Similiar positions do exist with the Board of Nursing and others, but not Pharmacy.

The Board of Pharmacy does not need, in the initial organization , two investigators . The Board does desperately need an experienced executive-secretary type, on a day-by-day basis to get the programs initiated and then properly administrated .

The Director of the Division of Occupational Licensing has agreed to submit the Boards desires as to changing the budget line item identification from two regulation specialists and two investigators to the personnel that could do the job , as long as the Board stays within the budgeted dollars. The Board has been informed that it has , budgeted dollars covering the four people mentioned above, in the amount of \$ 75,000.00 for the period January 1, 1983 through June 30 , 1983 . The Board has asked the director of DOL to make the following request:

Investigator /	
Executive-Secretary-Inspector	range of \$45,000.00/yr
Estimated 30 % of salary for office etc	13,500.00/yr
One full time regulation specialist	33,000.00/yr
Estimated 30% of salary for office	9,900.00/yr
Licensing Examiner(or secretary type)	28,000.00/yr
Estimated 30 % for office etc.	8,400.00/yr
<u>TOTAL FOR ONE YEAR</u>	<u>\$ 137,800.00/yr</u>

This would break down to \$ 68,900.00 for the remainder of fiscal year 1983(half year Jan 1 through June 30 , 1983) and well under the \$75,000.00 Budgeted . The figures above may be slightly off , but should be fairly close and definitely on the conservative side considering the licensing examiner budgeted above for full time Pharamacy Board work , when she would probably be part time with another board.

The Director of The Division of Occupational Licensing has asked that the President of The Board Of Pharmacy write him a letter asking for his cooperation in requesting the change and in addition attempt to write a job experience qualification requirements and a job description for the position of Executive-Secretary-Investigator .

The letter has been written and will be sent to the Director along with this narrative and a conclusion statement. Copies of all material will also be sent to The Governor, The Commissioner of Commerce & Economic Development, The Speaker of the House of Representatives, The President of the Alaska State Senate. all Board of Pharmacy Members, and Legislative Sunset Review Committee, and The Attorney General , and Department of Law.

CONCLUSION:

EXECUTIVE-SECRETARY-INVESTIGATOR FOR BOARD OF PHARMACY:

Qualifications:

1. Five years experience with another Board of Pharmacy, of which three years must be in the position of executive-secretary and the remainder in the position of investigator.
2. Experienced in administering controlled substance law of a state, under direction and supervision of a pharmacy board.
3. Experience in administering a marijuana therapeutic research program under the direction and supervision of a board of pharmacy.
4. Experience maintaining files and registration and licensing of pharmacists and controlled substance registrants at the direction and under the supervision of a board of pharmacy.
5. Be a registered pharmacist in a state recognized by the National Association of Boards of Pharmacy and be required to become registered as a pharmacist in the State of Alaska within six months of being hired as Executive-Secretary-Investigator by the State of Alaska.

JOB DESCRIPTION:

UNDER THE SUPERVISION AND AT THE DIRECTION OF THE BOARD OF PHARMACY AND UNDER THE MANDATES OF AS.08.01., CENTRALIZED licensing statute and AS 08.80 PHARMACY ACT.:

1. Assist Board in process of registration of all Drug enforcement registrants under the Federal Law under the AS 17.30 Alaska State Statute, including design of application form and license.
2. Maintain record of registration and licensure under AS 17.30 with such records properly maintained at the Division of Occupational Licensing.
3. INVESTIGATE violations of any state or federal law under the jurisdiction of the Board of Pharmacy and at the direction of the Board of Pharmacy and the Division of Occupational Licensing.
4. Aid Board in the administration of the Marijuana Therapeutic Research Program AS.17.35, including maintaining records at the Division of Occupational Licensing, and aiding the Patient Qualification Review Committee in processing applicants under that program.
5. Cooperate with all state and federal law enforcement agencies at direction of Board of Pharmacy.

C O N C L U S I O N : (continued)

6. Follow direction of DOL in maintaining records, issuing licenses, receiving fees, and any other job requirements assigned to licensing examiners, including:
 - (a) Collecting fees & issuing receipts;
 - (b) Maintaining records and files;
 - (c) Issuing & receiving application forms;
 - (d) Notifying applicants of acceptance or rejection of applicants as determined by Board;
 - (e) At direction of DOL & Board, notifying applicants for any licensure under AS 08.80 or AS 17.30 of examination dates or license renewal dates.
 - (f) Arrange space for holding examinations
 - (g) Notify applicants of results of examinations;
 - (h) Issue licenses & certificates or temporary licenses or certificates as authorized by Board
 - (i) Answer routine inquiries;
 - (j) Maintain a current registry of all licenses issued under AS 08.80 & AS 17.30
 - (k) Perform other services as requested by board consistent with requirements of AS 08.80 & AS -7.30 & As 17.35.

7. Perform the following job description duties as mandated by and established by investigative procedures of DOL & Board.
 - (a) (b) (c) etc.....to be inserted by DOL & consistent with job description duties of INVESTIGATORS.

NOTE: It is the intent of the Board of Pharmacy that the above person be employed, under state employment laws, by the Division of Occupational Licensing. The Director would, in effect, be the person's boss, and would direct the duties and performance of the person, at the request and with direct input, from the Board of Pharmacy. The person would reside in the Anchorage area, working out of the Division of Occupational License office in Anchorage.

ADDENDUM:

The above job description, narrative, and conclusion solves the problem temporarily., however the problem may ultimately have to be addressed by the legislature. The Board of Pharmacy in offering the solution listed here, is attempting to carry out the wishes of the Legislature, so the important programs may be started at once and carried out to the best of the ability of all involved.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 28, 1983

Mr. Eldon R. Ulmer, R.Ph.
President, Board of Pharmacy
P.O. Box 101420
Anchorage, AK 99510

Dear Mr. Ulmer:

Thank you for a copy of your recent correspondence to Mr. Harry Treager regarding your request in obtaining changes in the "designation of personnel" portion of the budgeted line items for implementation of AS 17.30 and AS 17.35 by the Board of Pharmacy. You may be assured that I will give serious consideration to your comments on this important issue.

I appreciate your personally informing me of your views, and I have copied the Department of Commerce & Economic Development for Commissioner Richard Lyon's review.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

ADDENDUM # 3
(two part)

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 455-2534

DIVISION OF OCCUPATIONAL LICENSING

DATE: June 15, 1983

TO: Board of Pharmacy

FROM: *Harry D. Treager*
Harry D. Treager, Director
Division of Occupational Licensing

SUBJECT: Personnel Position

The attached memorandum was received from the personnel officer.

HDT/jarH4
61583a

Attachment

MEMORANDUM

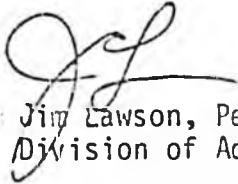
State of Alaska

TO: Harry D. Treager, Director
Division of Occupational Licensing

DATE: April 13, 1983

FILE NO:

TELEPHONE NO:

FROM:  Jim Lawson, Personnel Officer
Division of Administrative Services

SUBJECT: Requested Change of
Authorized Position
and Function

In response to your memo of April 7, 1983 requesting a change in title for two Investigator III positions to "Executive Officers."

These positions were budgeted for and authorized in the classified service subject to the rules of the classified personnel system. There is no classification for Executive Officer and I am, therefore, unable to effect the requested change.

JL/cw#23Q13

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

ADDENDUM # 4

DIVISION OF OCCUPATIONAL LICENSING

BILL SHEFFIELD, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

July 29, 1981

Eldon Ulmer, R.Ph.
Chairman
Board of Pharmacy
P.O. Box 101420
Anchorage, Alaska 99510

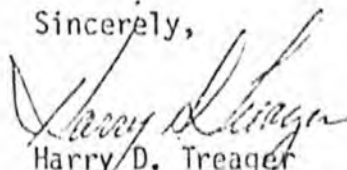
Dear Mr. Ulmer:

Re: Executive Officer Position

This correspondence is to advise you that efforts of Mr. Jim Lawson, personnel officer, Department of Commerce and Economic Development, were to no avail in changing the position of the investigator to an executive officer.

We should proceed immediately to fill the position as mandated by legislation.

Sincerely,



Harry D. Treager
Director

HDT/cw#2707
72983A
cc: Dick Long

STATE OF ALASKA
PUBLIC NOTICE
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF PHARMACY

Notice is hereby given that the Department of Commerce and Economic Development, Board of Pharmacy, under authority vested by AS 08.80.030, AS 17.30.010, and AS 17.35.020, proposes to adopt regulations in Title 12 of the Alaska Administrative Code, Chapter 52, dealing with regulation of manufacture, distribution, prescription and dispensing controlled substances, marijuana therapeutic research program and definitions to implement AS 17.30.020, AS 17.30.030, AS 17.30.040 and AS 17.35.030 as follows:

Article 5, General Provisions is renumbered to Article 7, General Provisions, with Article 5 being assigned to the "Regulation of Manufacture, Distribution, Prescription and Dispensing of Controlled Substances," and Article 6 being assigned to the "Marijuana Therapeutic Research Program."

12 AAC 52 is amended by adding a new article to read:

ARTICLE 5
REGULATION OF MANUFACTURE, DISTRIBUTION, PRESCRIPTION
AND DISPENSING OF CONTROLLED SUBSTANCES

Section

400. Registration requirements

405. Registration

410. Registration

415. Registration

12 AAC 52 is amended by adding a new article to read:

ARTICLE 6
MARIJUANA THERAPEUTIC RESEARCH PROGRAM

Section

- 600. Patient Qualification Review Committee
- 610. Application for appointment
- 620. Term of appointment
- 630. Duties of committee

12 AAC 52.600 establishes a Patient Qualification Review Committee of four members to oversee the marijuana therapeutic research program.

12 AAC 52.610 sets forth the application for appointment to the Patient Qualification Review Committee by the Board of Pharmacy.

12 AAC 52.620 provides for the term of appointment for each of the four members appointed and designating which appointee will be the chairman of the committee.

12 AAC 52.630 sets forth the duties of the committee in the management of the marijuana therapeutic research program.

12 AAC 52.900 DEFINITIONS (ARTICLE 7) is amended by adding new paragraphs to provide definitions for "compounder" and "committee."

Notice is also given that any person interested may present written statements or arguments, relevant to the action proposed by mailing or delivering them so they are received by 4:30 p.m., September 30, 1983 to:

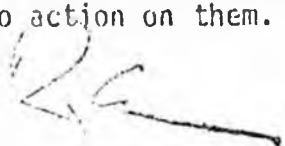
Department of Commerce and Economic Development
Division of Occupational Licensing
Board of Pharmacy - Regulations
Century Plaza
142 East 3rd Avenue
Anchorage, Alaska 99501

Copies of the proposed regulations may be obtained by writing to the above address, or by telephoning (907) 276-7969.

This action is expected to require an increased appropriation to implement and maintain the registration requirements, as specified in 12 AAC 52.400-.440. It is anticipated that the additional funding required for one-half of Fiscal Year 1984 will amount to \$17,500.00 to cover personal services, contractual, commodities and equipment (the equipment is a one-time cost). Fiscal Year 1985 is estimated to require \$26,700.00 and Fiscal Year 1986 is estimated to require \$27,900.00.

The action in regard to 12 AAC 52.600-.630 and 12 AAC 52.900(16) and (17) is not expected to require an increased appropriation.

The Department of Commerce and Economic Development, Board of Pharmacy, upon its own motion or at the instance of any interested persons, may thereafter adopt the proposal substantially as described above without further notice, or may decide to take no action on them.



Richard A. Lyon, Commissioner

DATE: July 13, 1983