

HB

508

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Company RETIRED PERSONS SERVICES INC	Company Health, Education & Social Serv.
Street Address 300 MONTGOMERY ST #800	Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. * Zip Codes) Senate of Alaska, State Capitol
City ALEXANDRIA VA	City Juneau AK
State VA	State AK
ZIP Required 22314	ZIP Required 99811

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By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

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LIMITATIONS ON OUR LIABILITY AND LIABILITIES NOT ASSUMED

Our liability for loss or damage to your package is limited to the actual damages of \$100, whichever is less, unless you pay for and declare a higher authorized value. We do not provide carrier liability insurance, but you may pay an additional charge for each additional \$100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of the package.

In any event, we will not be liable for any damages, whether direct or indirect, special or consequential, or excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred as a result of our services, or loss of income or profits.

We will not be liable for your acts or omissions, non-compliance with our proper or insufficient packing, including improper or inadequate sealing, or for the acts or omissions of our carriers, employees or subcontractors in the discharge. Also, we do not have liability for any claims arising from the terms of our agreement. We will not be liable for loss or damage to shipments of cash, currency or other prohibited items.

We will not be liable for any damage or delay caused by excessive, abnormal, or unusual weather conditions, including but not limited to such of our employees, our drivers, our aircraft and other equipment, and our facilities. We will not be liable for any damage or delay caused by acts of God, including but not limited to lightning, fire, flood, earthquake, riot, strike, war, sabotage, terrorism, or any other cause beyond our control.

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TERMS AND CONDITIONS

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If you send more than one package on this Airbill, you may file a total declared value for all packages, not to exceed the \$100, \$500 or \$25,000 per package limit per package above. (Example: 5 packages can have a total declared value of up to \$125,000.)

If more than one package is shipped on this Airbill, our liability for loss or damage will be limited to the actual value of the package(s) lost or damaged (but in no event less than 50% of the total declared value of the per package limits described above). You have the responsibility of proving the actual loss or damage.

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ALL CLAIMS MUST BE MADE BY YOU IN WRITING. You must notify us of your claim within 90 days. See current Service Guide.

We will consider your claim if you call and notify our Customer Service Department at 800-233-3265 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from these charges.

If you do not adequately package without notifying any damage on the delivery receipt, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

RIGHT TO INSPECT

We may, at our option, view and inspect your packages prior to or after you give them to us to deliver.

H.O.D. SERVICES

We will provide C.O.D. services.

RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be paying responsibility for all delivery costs, as well as any debts we may owe to you. Retaining your package to you or withholding it pending collection.

QUALIFIED ACCEPTANCE

We reserve the right to refuse a shipment of any time, when such shipment would be likely to cause damage or delay to other shipments, would be a responsibility for the transportation of which is prohibited by law, or is otherwise not in compliance with this Airbill or our Service Guide.

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If the actual value of a shipment is less than the declared value of your request, we will refund the declared value of all transportation charges. See current Service Guide for further information.

Form 4110301
Rev. 8/79



APR 25 1990

RETIRED PERSONS SERVICES, INC.

April 23, 1990

The Honorable Paul A. Fisher, Chairman
Committee on Health, Education and Social Services
Senate of Alaska
State Capitol
Juneau, Alaska 99811

Re: Support and Recommendations for
CS HB.508--Pharmacies Located
Outside of the State

Dear Chairman Fisher:

I am writing in my capacity as Director of Governmental Affairs of the AARP Pharmacy Service and its Oregon subsidiary, the Oregon Retired Persons Pharmacy of Beaverton, Oregon. Our Oregon facility provides prescription and nonprescription services to approximately 5,000 AARP members living in Alaska. With one minor recommendation, the AARP Pharmacy Service strongly supports the enactment of HB.508.

The bill represents a significant contribution toward enhancing and improving professional relations between pharmacies engaged in interstate commerce and the Alaska Board of Pharmacy. Just as important, the bill will serve to improve cooperation and communication between the Alaska Board and the boards of other states. Finally, the regulatory framework adopted by HB.508 is reasonable, realistic and based on sound constitutional principles.

While we recognize that the bill has passed the House, we would ask you and your Senate colleagues to consider amending lines 7-9 of §1(c) of the committee substitute to provide an alternative to placing the out-of-state pharmacy's hours of operation on the prescription label. Due to variations in vial size and the amount of information already required by state and federal law to be placed on the prescription label, a requirement for additional information on the label could very likely adversely affect the label's readability. The amount

500 Montgomery Street
Alexandria, Virginia 22314-1563
(703) 684-0244 Fax: (703) 684-0246

Chairman Fisher
April 23, 1990
Page 2

of information currently required by law as well as the size type we use for instructions and drug name already limits our ability to provide appropriately sized containers for smaller prescription orders.

The AARP Pharmacy Service already places its toll-free customer service number (by which patients gain access to a pharmacist when needed) on its prescription label. In addition, with every shipment, a separate information sheet is included which lists hours of operations as well as all of our pharmacy's services and phone lines: e.g., a dedicated 800 line for prescribers to call in prescription medication orders, a price quote line, a non-Rx order line, a Rx refill line, etc. (copy attached).

We are hopeful this recommendation will meet with your approval. Should you have any questions about our concern, I will be at your service.

Very truly yours,



F. Nicholas Willard
Director, Governmental Affairs

cc: Representative Curt Menard
Senate HESS Committee Members
AARP Alaska State Legislative
Committee

OREGON RETIRED PERSONS PHARMACY, INC.



P.O. Box 2755
Portland, OR 97208-2755

DEAR MEMBER:
FOR IMPROVED SERVICE, WE NOW HAVE TWO TOLL-FREE NUMBERS TO
SERVE YOUR PHARMACY NEEDS.

ORDER DESK: 1-800-274-0344

MEMBER SERVICE: 1-800-274-6777

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FOR FASTER SERVICE, PLEASE HAVE YOUR CUSTOMER NUMBER AVAILABLE
WHEN PLACING ORDER OR MAKING INQUIRIES. YOUR CUSTOMER NUMBER IS
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Cut along dotted line and post near your telephone

RECORD YOUR CUSTOMER NUMBER _____
(TO THE RIGHT OF YOUR NAME ON INVOICE) SEE SAMPLE

ORDER DESK 1-800-274-0344
MEMBER SERVICE 1-800-274-6777

PLEASE HAVE ITEM NUMBERS READY

Offered: 3/26/90
Referred: Labor & Commerce

6-2018E

Original sponsor(s): REP. MENARD, Donley, Hanley, Collins, Jacko

1 IN THE HOUSE

BY THE HESS COMMITTEE

2

CS FOR HOUSE BILL NO. 508 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to pharmacies located outside of the state."

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8

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

9

* Section 1. AS 08.80 is amended by adding a new section to read:

10

Sec. 08.80.158. REGISTRATION OF PHARMACIES LOCATED OUTSIDE OF

11

STATE. (a) A pharmacy located outside of the state that ships, mails, or delivers prescription drugs into the state shall register with the board.

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(b) A pharmacy registering with the board under (a) of this section shall furnish to the board annually

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(1) the location, names, and titles of all principal corporate officers and of all pharmacists who are dispensing prescription drugs to residents of the state;

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(2) a copy of a current valid license, permit, or registration to conduct operations in the jurisdiction in which it is located, and a copy of the most recent report resulting from an inspection of the pharmacy by the regulatory or licensing agency of the jurisdiction in which the pharmacy is located;

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(3) a sworn statement indicating that the pharmacy complies with all lawful directions and requests for information from the regulatory or licensing authority of the jurisdiction in which the pharmacy is licensed; and

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(4) proof satisfactory to the board that the pharmacy maintains its records of prescription drugs dispensed to persons in

29

1 the state so that the records are readily retrievable from the records
2 of other prescription drugs dispensed by the pharmacy.

3 (c) A pharmacy subject to this section shall, during its regular
4 hours of operation, provide a toll-free telephone service to facili-
5 tate communication between persons in the state and a pharmacist at
6 the pharmacy who has access to records concerning the dispensing of
7 prescription drugs to persons in the state. The toll-free number ~~and~~
8 ~~the hours that the service is available~~ shall be disclosed on a label
9 affixed to each container of drugs dispensed to persons in the state.
10 The telephone service shall be available at least 40 hours a week and
11 at least six days a week.

12 (d) The board may, after a hearing, deny, revoke, or suspend the
13 registration of a pharmacy located outside of the state if the phar-
14 macy fails to comply with the requirements of this section, ~~16-17-~~
15 ~~20.000 17.00.10. 15.15.17.30.000 17.30.000~~ or if the license,
16 permit, or registration of the pharmacy is denied, revoked, or sus-
17 pended by the licensing or regulatory agency of the jurisdiction in
18 which the pharmacy is located.

19 (e) A pharmacy located outside of the state that is not regis-
20 tered with the board under this section may not ship, mail, or deliver
21 prescription drugs into the state and may not advertise its services
22 in the state.

23 (f) A pharmacy subject to this section shall appoint a regis-
24 tered agent in the state who is empowered to accept, on behalf of the
25 pharmacy, process, notice, and demand required or permitted by law to
26 be served upon the pharmacy. If the pharmacy fails to appoint a
27 agent under this subsection, if the registered agent cannot with
28 reasonable diligence be found at the registered office, or if the
29 registration of the pharmacy is suspended or revoked, the commissioner

1 of commerce and economic development is an agent upon whom process,
2 notice, or demand may be served. Service is made upon the commis-
3 sioner in the same manner as provided for corporations under AS 10.-
4 06.175(b), except that for the purposes of AS 10.06.175(b)(2)(A), the
5 address shall be the last registered address of the pharmacy as shown
6 by the records of the board.

7 * Sec. 2. AS 08.80.160 is amended by adding a new paragraph to read:

8 (14) registration of a pharmacy located outside of the
9 state.

10 * Sec. 3. AS 08.80.480 is amended by adding new paragraphs to read:

11 (19) "pharmacy located outside of the state" means a phar-
12 macy that prepares or mixes prescription drugs outside of the state,
13 regardless of the location at which those drugs may be shipped, mail-
14 ed, or delivered to the consumer;

15 (20) "prescription drug" means a drug other than a nonpre-
16 scription drug.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Paul Fischer
Chairman - Senate HESS Committee

FROM: Representative Curt Menard *Comd*

DATE: April 24, 1990

RE: HB 508 - "An Act relating to pharmacies located outside the state."

A growing number of out-of-state pharmacies distribute prescription drugs to Alaska residents without any oversight of their activities. This legislation addresses that lack of consumer protection.

In researching this bill, my first thought was to have out-of-state mail order pharmacies meet the same requirements as in-state pharmacies. I discovered, though, that while requirement for a license as a pharmacist are very stringent, there are virtually no requirements for a pharmacy license. Nor would the Alaska State Board of Pharmacy be able to effectively regulate an out-of-state pharmacy.

As it is currently written, HB 508 is a much more effective way to address the problem. It requires out-of-state pharmacies to register with the state of Alaska. In order to do so they would have to provide:

- . Pertinent information related to the corporate officers and dispensing pharmacists.
- . Proof of a current valid license in the jurisdiction in which it is located and a sworn statement indicating compliance with the regulating authority of that jurisdiction. The majority of other states regulate pharmaceutical practices considerably more closely than do Alaska's laws and regulations, and all of them regulate at least as closely as Alaska.
- . Proof that records of prescription drugs dispensed to Alaska residents are readily retrievable.
- . The name of a registered agent in the state who is empowered to accept process to be served upon the pharmacy.

The most important provision, though, is the requirement for a toll-free telephone service with service available at least 40 hours a week and at least six days a week. This will provide at least a minimum amount of customer service.

Most of the customers using out-of-state pharmacies are on maintenance medication. Many of them are taking four, five, or even more medications on a regular basis. One month they receive blue and white capsules, the next month they open the package and find the medication in a completely different form. They need to be able to contact the dispensing pharmacist to verify that this is the same, and correct, medication.

Or maybe a prescription comes in the mail with "take as directed" on the label. Alaskan consumers need to be able to check the specifics of that instruction with the dispensing pharmacist. And if a problem arises, the doctor that attends to the problem must have immediate access to that vital information.

The Department of Commerce and Economic Development supports HB 508 and states in their position paper: "Pharmacies located outside the state who service Alaska residents with prescription drugs should be subject to some degree of regulatory oversight."

This bill has the support of both individual pharmacists and the Alaska Association of Pharmacists. The State Board has not met since the introduction and therefore has not taken a formal position but the Chairman, Bill Larson testified in favor of the bill on behalf of Carrs Quality Centers.

The bill file I am providing also includes letters of support from other pharmacists in Alaska and a letter of support from the legal firm representing the mail order pharmacy currently holding the prescription drug contract for state employees.

The state Division of Retirement and Benefits has provided a letter that indicates this legislation will not effect the health insurance plan that is part of the current negotiated agreement with state employees. It will not increase the cost of health insurance premiums and the prescription drug subcontractor is currently able to satisfy the bill's requirements.

HB 508 has a zero fiscal note and although the amount cannot be estimated at this time, it would actually generate revenue through an established registration fee.

Thank you for consideration of this bill. Please call if there is anything other information you require.

ATTACHMENTS

HB 508: "An Act relating to pharmacies located outside of the state."

1. House HESS letter of intent
2. Fiscal Note Zero
3. Position Paper from the Dept. of Commerce and Economic Development Supports bill
4. Memo dated Jan. 26, 1990 from Legislative Affairs Agency
5. Memo dated Feb. 6, 1990 from Legislative Affairs Agency
6. Letter from Department of Administration, Division of Retirement and Benefits:

Bill has no impact on the health insurance plan for State of Alaska employees.
7. Letter from Richard L. Stingley, R. Ph., Homer Professional Pharmacy, Inc. Supports bill
8. Letter from Barry D. Christensen, R. Ph., Island Pharmacy, Ketchikan Supports bill
9. Letter from Frank G. Pratt, R. Ph. Supports bill
10. Letter from counsel for Medco, regionally located mail service pharmacies Supports bill
11. "Senior Voice" April 1990 - article:
Seniors: More drug use, more adverse reactions

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 2811

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 6, 1990

SUBJECT: Pharmacy licensing requirements in other
states (Work Order No. 6-2115)

TO: Representative Curt Menard
Attn: Iola

FROM: John B. Gaguine ^{JBG}
Legislative Counsel

Per your request, I have been looking at the pharmacy licensing requirements in some of the other Western states. In all of the statutes I have examined, a pharmacy can be licensed if it complies with the pharmacy laws, which is essentially the same requirement as is found in AS 18.-80.157. (Sometimes there are minor additional requirements, such as the North Dakota requirement that a pharmacy must possess the standard pharmaceutical reference book to get licensed.) However, the majority of the other statutes I looked at regulate pharmaceutical practices considerably more closely than do Alaska's laws and regulations, and all of them regulate at least as closely as Alaska. For your interest I am enclosing some of the statutes of Nevada (since that is the location of the mail-order pharmacy under the revised state employee health care program) and Washington (since Seattle pharmacies can logically be expected to enter the mail-order prescription drug business).

Incidentally, I found that Wyoming has adopted an out-of-state pharmacy law that is also apparently based on the California statute on which I modeled W.O. 6-2018A. North Dakota, on the other hand, takes a different approach, requiring out-of-state pharmacies doing mail-order business in that state to get a license from the North Dakota board. I am enclosing a copy of the North Dakota statute. I think that the approach taken by the California law is better, since I do not think that the Alaska board (or the North Dakota board, for that matter) would be able to effectively

Representative Curt Menard
Page 2
February 6, 1990

regulate an out-of-state pharmacy. Hence requiring it to get an Alaska license would not, in my opinion, accomplish much.

If I may be of further assistance, please advise.

JBG:lmb
L9/095

Enclosures

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892



April 3, 1990

LETTER OF INTENT TO

CS HB 508 (HESS)

It is the intent of the legislature that state contracts for pharmaceutical supplies should be granted to Alaskan pharmacies to the maximum extent permissible under state law. State contracts for health insurance and other health programs which utilize mail order drug prescription services shall not be limited to pharmacies registered under AS 08.80.158 to the exclusion of Alaskan pharmacies. All state proposals to supply health care must solicit equivalent mail order drug services from Alaska pharmacies.

A handwritten signature in cursive script that reads "Dave Donley".

Representative Dave Donley, Chair
House Labor and Commerce Committee

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to pharmacies
located outside of the state.
 Sponsor: Rep. Menard, Donley, Hanley
 Requestor: House HESS

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE **	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

HB 508 creates another pharmacy licensing category by registering outside pharmacies that ship, mail or deliver prescription drugs into Alaska. New funds are not required to implement the bill. **Revenues: A registration fee will be charged however, at this time we are unable to estimate revenues until the number of outside pharmacies affected by the bill is known.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: March 20, 1990

Approved by Commissioner: Larry Mercurieff Date: 3-20-90
 Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HB 508: An Act relating to pharmacies located outside of the state.

HB 508 establishes requirements for pharmacies located outside of Alaska to register with the Alaska Board of Pharmacy, if the pharmacy ships, mails, or delivers prescription drugs into the state.

The out-of-state pharmacy will be required to meet certain criteria established in the bill, including 1) registration of the names and locations of pharmacists who dispense prescription drugs to Alaska residents, 2) proof of maintenance of a current license and active pharmacy inspection in the jurisdiction in which the pharmacy is located, 3) compliance with all laws of the licensing authority within the jurisdiction where the pharmacy is located, and 4) proof that the pharmacy may readily retrieve the records of drugs prescribed to Alaska residents.

Currently, Alaska is not able to monitor or identify the out-of-state pharmacies who distribute prescription drugs to residents within the state. HB 508 will allow the Alaska Board of Pharmacy to require registration of outside pharmacies, thus providing some level of oversight -- albeit minimal -- of their activities in Alaska. The current lack of any review of outside pharmacies that mail, ship or deliver prescription drugs in Alaska raises consumer protection concerns.

Pharmacies located in Alaska are regulated by law to protect the health, safety and welfare of Alaskan consumers. Pharmacies located outside the state who service Alaska residents with prescription drugs should be subject to some degree of regulatory oversight. For this reason, the department supports HB 508.


Larry Merculieff, Commissioner
Department of Commerce and
Economic Development

Date: 3-20-90

LLM/RPB/JS/wfd2162W
32090a

STATE OF ALASKA
THE LEGISLATURE

POLCHY STATE CAPITOL
GENERAL ASSEMBLY
JANUARY 26, 1990

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 26, 1990

SUBJECT: Out-of-state pharmacies and licensing requirements (Work Order No. 6-2018)

TO: Representative Curt Menard
Attn: Iola Young

FROM: John B. Gaguine ~~JBG~~
Legislative Counsel

You have asked for a bill that would require out-of-state pharmacies doing business within the state (primarily out-of-state pharmacies soliciting and filling mail orders) to meet the requirements of licensing for in-state pharmacies. I am writing this memo to explain that there are essentially no requirements for in-state pharmacies, and that control of out-of-state mail order pharmacies can probably be better achieved through a different bill.

Under AS 08.80, the Board of Pharmacy regulates and licenses both pharmacies and pharmacists. Unlike the stringent requirements for issuance of a pharmacist license, however, there are virtually no requirements for a pharmacy license. AS 08.80.157 provides:

(a) If an applicant furnishes proof satisfactory to the board that the applicant is equipped with land, facilities, and equipment, in fee or leased, necessary to carry on the business described in the application and the applicant complies with this chapter, applicable regulations adopted by the board, and pays fees provided for under AS 08.80.160, the board may issue

(1) a wholesale drug dealer license to an applicant who manufactures or distributes noncontrolled legend drugs to licensed retail pharmacists, dentists, physicians, surgeons, or veterinarians, who may legally purchase noncontrolled legend drugs at a wholesale level, or to government

Representative Curt Menard
Page 3
January 26, 1990

copies of the relevant California statutes. If this approach appeals to you, I can draft a bill based on those statutes (but likely far simpler). Or I can draft a bill along the lines of your request, that an out-of-state pharmacy must meet Alaska qualifications, in the hope that the Board of Pharmacy will someday issue the necessary regulations.

JBG:gc
G13/071

Enclosure

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

P.O. BOX CR
JUNEAU, ALASKA 99811-0203
PHONE: (907) 465-4460

Fax# 465-3086

701 EAST TUDOR ROAD, SUITE 240
ANCHORAGE, ALASKA 99503-7445
PHONE: (907) 563-5885

Public Employees Retirement System
Teachers Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

March 19, 1990

The Honorable Curt Menard
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Menard:

Your staff requested an analysis from this division of the impact HB 508 would have on the health insurance plan for State of Alaska employees.

The health insurance plan that was negotiated last summer by the Alaska State Employees Association (ASEA) includes a provision for prescription drugs to be obtained through the mail. I have reviewed HB 508 and do not see any provisions that would be at cross purposes with the current negotiated agreement with ASEA or increase the cost of health insurance premiums.

The mail order prescription drug plan is provided by National Pharmacies, Inc. through a subcontract with Aetna, our health insurance carrier. I have also discussed the bill's requirements with Aetna and have been informed that National Pharmacies would currently be able to satisfy these requirements.

Sincerely,



Michael B. Coughlin
Deputy Director

MBC/ksl

cc: Sally Smith
Director
Division of Retirement and Benefits

Lynn Withrow
Aetna Life Insurance
Seattle, WA 98111

Representative Curt Menard
March 19, 1990
Page 2

cc: (continued)

Frank S. Baxter, CPA
Commissioner
Department of Administration

Gary Bader
Deputy Commissioner
Services to State Agencies
Department of Administration

Sioux Plummer
Special Assistant
Department of Administration

RB90-017

HOMER PROFESSIONAL PHARMACY, INC.

309 W. FAIRVIEW AVE.
Homer, Alaska 99603



PHONE (907) 235-8393

2/9/90

Representative Cert in encl:

Sir,

I am very much in favor of your proposed bill relating to pharmacies located outside the state of Alaska.

Not only do we need to support those businesses that are located in the state of Alaska, but I almost every day have a patient talk to me with questions about medication filled by a mail order pharmacy which I cannot help them with. Often the tablets are of a different size or color than they are used to and they have no way to verify if it is the correct medication.

I will be glad to assist your effort in any way I can.

Sincerely,
Richard L. Stucky, RPh.

Island Pharmacy

3235 Tongass Avenue
Ketchikan, Alaska 99901
225-6186

February 19, 1990

Representative Curt Menard
P.O. BOX V
Juneau, Ak 99811

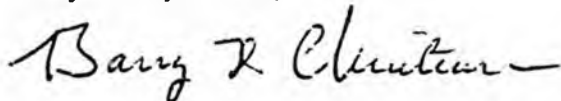
Dear Representative Menard,

Thank you for sending me a copy of the proposed legislation on regulating pharmacies outside the state of Alaska. Additionally, I would like to thank you for taking the time and effort to propose such legislation. In looking over the draft I see no major flaws and it appears to be pretty straight forward. It should be something that any mail order pharmacy should be able to comply with if they wish to do business in Alaska.

If it is possible I would like to be informed of the Bill number when you introduce it into the house so that I may contact the elected officials in my district to urge their support of this viable piece of legislation.

Thank you again for your efforts and Thanks for supporting your family pharmacist.

Very Truly Yours,



Barry D. Christensen
Pharmacist

FRANK G. PRATT, R. Ph.
7446 East 20th Avenue
Anchorage, Alaska 99504
(907) 333-8212
5 February 1990

Rep. Curt Menard
P.O. Box V
Juneau, AK 99811

Dear Curt:

I have received and reviewed your draft of proposed legislation to control mail order pharmacies doing business with customers in the State of Alaska.

I commend you on your actions, Curt. It is far past time that this type of legislation was enacted to protect the citizens of Our Great Land.

I have some misgivings about the Board's ability to actively enforce such legislation with the manpower currently available; but, one step at a time!

Very sincerely,

HB508

EMENS, HURD, KEGLER & RITTER CO., L.P.A.

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March 3, 1990

The Honorable David Donley, Chairperson
House Labor & Commerce Committee
Alaska State Legislature
State Capitol Building, Room 17
Juneau, Alaska 99801

OF COUNSEL
JOHN C. DEAL
ROBERT D. MAROTTA
RONALD L. MASON
S. NOEL MELVIN
JOSEPH M. MILLIOUS

Re: State of Alaska Pharmacy Legislation - House Bill No. 508

Dear Chairman Ellis:

I am writing this letter to you in my capacity as Regulatory Counsel for ~~Medco Containment Services, Inc.~~ ("Medco"), to include each of its regionally located mail service pharmacies, all of which provide safe, cost-effective prescription drug therapy to the members and beneficiaries of major corporations, unions and retiree groups, to include many that are Alaska residents. Medco respectfully submits that House Bill No. 508, to the extent it would condition licensure upon compliance, by a non-resident pharmacy, with reasonable standards of disclosure to the Alaska Board of Pharmacy and those statutory provisions presently incorporated in the bill, is a responsible exercise of a state's power to regulate given the various constitutional protections afforded businesses which are engaged in interstate commerce. For these reasons, [REDACTED]

Medco supports House Bill No. 508.

The regulation of out-of-state drug outlets, and particularly mail service pharmacies, has been the subject of frequent, and often emotional, debate over the last several years. There can be little doubt that the debate has been fueled by the rapid growth of mail service pharmacy. Medco, along with those pharmacies operated by the Veterans Administration and the AARP Pharmacy Service, have been at the forefront of this growth. The lines of debate are well-drawn: some sectors of the retail pharmacy community seek licensure restrictive in nature for the singular purpose of precluding the operation of a mail service pharmacy on an interstate basis and thereby eliminating a competitive force in the marketplace. Licensure of this nature is often argued in the guise of health and safety concerns,

EMENS. HURD. KEGLER & RITTER CO., L.P.A.

ATTORNEYS AND COUNSELORS AT LAW

The Honorable David Donley, Chairperson
March 3, 1990
Page 2

concerns which are not supported by an informed knowledge of mail service pharmacy and particularly when mail service pharmacy is evaluated in the context of total pharmacy practice. On the other hand, those engaged in the practice of mail service pharmacy, when denied the opportunity for meaningful, objective dialogue, have correctly relied upon the various constitutional arguments which preclude such restrictive licensure. These constitutional arguments are several, but revolve primarily around the Commerce Clause of the Constitution of the United States of America. The constitutional arguments become all the more meaningful in light of the extensive state and federal regulation applicable to the practice of pharmacy, to include mail service pharmacy. Moreover, in addition to licensure as a community or retail pharmacy in the state where the pharmacy is located and licensure at the federal level, mail service pharmacies have established an historical record, in terms of the public health and safety, which simply does not support the need for restrictive licensure.

On the contrary, those reports which have been published by responsible, objective reviewers over the years have found no documented, credible evidence which compromises the health and safety record of mail service pharmacy or otherwise justifies restrictive licensure. In addition to favorable reports from the Federal Trade Commission, the American Medical Association, and various state legislative studies, a December, 1989 report issued by the State of Maine is particularly relevant to House Bill No. 508. Specifically, the Joint Standing Committee on Business Legislation of the Legislature of the State of Maine conducted hearings to review, among other issues, the safety impact of mail service pharmacy. In adopting Cost Containment for Prescription Drugs (December, 1989), the Committee concluded, in pertinent part as follows:

The Committee found no evidence that there was any difference in safety between having a prescription filled by mail and through an in-state pharmacy.

To the extent a state would have the power to regulate in this area, House Bill No. 508 closely parallels the form of a California statute now adopted in a number of other states. Commonly known as the California Disclosure Legislation, this statute, supported during the legislative process by Medco and the AARP Pharmacy Service, regulates mail service pharmacy in a manner consistent with constitutional and professional practice standards. Therefore, Medco respectfully urges you to support House Bill No. 508.

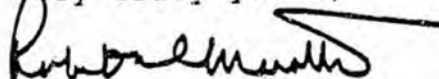
EMENS. HURD. KEGLER & RITTER CO., L.P.A.

ATTORNEYS AND COUNSELORS AT LAW

The Honorable David Donley, Chairperson
March 3, 1990
Page 3

If you have any questions relative to this matter, or desire further information, please do not hesitate to contact me.

Very truly yours,



Robert D. Marotta

RDM/trj
Attachment - California Disclosure Legislation

cc: House Labor & Commerce Committee, Members

Gordon S. Harrison, Director
Legislative Research Agency
Alaska State Legislature

Medco Containment Services, Inc.

Senate Bill No. 2213

CHAPTER 1424

An act to amend Section 4084.6 of, to add Sections 4050.1 and 4383 to, and to add and repeal Section 4350.6 of, the Business and Professions Code, relating to pharmacy, and making an appropriation therefor.

[Approved by Governor September 26, 1988. Filed with Secretary of State September 27, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2213, Craven. Pharmacy.

Under existing law, it is unlawful for any person to, among other things, sell or dispense any prescription of a medical practitioner unless the person is a registered pharmacist under specified provisions of the Business and Professions Code. The law requires an out-of-state pharmacy which conducts the business of selling or distributing drugs in this state to be licensed by the Board of Pharmacy.

This bill would require any pharmacy, as specified, located outside this state which ships, mails, or delivers any controlled substances or dangerous drugs or devices into this state to register with the board, disclose specified information to the board, and meet other conditions.

The bill would authorize the board to deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with specified provisions of California law and, until January 1, 1992, for conduct which causes serious bodily or psychological injury to a resident of this state if the regulatory agency in the state where the pharmacy is located fails to initiate an investigation into the matter within 45 days of being notified by the board.

The bill also would prohibit specified advertisements with regard to unregistered, nonresident pharmacies.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

A violation of those provisions of the Business and Professions Code constitutes a misdemeanor.

This bill would impose a state-mandated local program by creating or revising a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this

act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the practice of pharmacy is a dynamic, patient-oriented health service that applies a scientific body of knowledge to improve and promote patient health by means of appropriate drug use and drug related therapy.

(b) The Legislature recognizes that with the proliferation of alternate methods of health delivery, there has arisen among third-party payers and insurance companies the desire to control the cost and utilization of pharmacy services through a variety of mechanisms, including the use of mail order pharmacies located outside the State of California.

(c) As a result, the Legislature finds and declares that to continue to protect the California consumer-patient, all out-of-state pharmacies that provide service to California residents shall be registered with the board, disclose specific information about their services, and provide pharmacy services at a high level of protection and competence.

SEC. 2. Section 4050.1 is added to the Business and Professions Code, to read:

4050.1. (a) Any pharmacy located outside this state which ships, mails, or delivers, in any manner, controlled substances or dangerous drugs or devices into this state shall be considered a nonresident pharmacy, shall be registered with the board, and shall disclose to the board all of the following:

(1) The location, names and titles of all principal corporate officers and all pharmacists who are dispensing controlled substances or dangerous drugs or devices to residents of this state. A report containing this information shall be made on an annual basis and within 30 days after any change of office, corporate officer, or pharmacist.

(2) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board pursuant to this section. The nonresident pharmacy shall maintain, at all times, a valid unexpired license, permit, or registration to conduct the pharmacy in compliance with the laws of the state in which it is a resident. As a prerequisite to registering with the board, the nonresident pharmacy shall submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located.

(3) That it maintains its records of controlled substances or dangerous drugs or devices dispensed to patients in this state so that the records are readily retrievable from the records of other drugs

dispensed.

(b) Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state.

(c) The registration fee shall be the fee specified in subdivision (a) of Section 4416.

(d) The registration requirements of this section and Sections 4350.6 and 4383, shall apply only to a nonresident pharmacy which only ships, mails, or delivers controlled substances and dangerous drugs and devices into this state pursuant to a prescription.

SEC. 3. Section 4084.6 of the Business and Professions Code is amended to read:

4084.6. No out-of-state manufacturer, wholesaler, or pharmacy doing business in this state who has not obtained a certificate, license, permit, registration, or exemption from the board and who sells or distributes drugs in this state through any person or media other than a wholesaler who has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing drugs in this state without obtaining an out-of-state drug distributor's license from the board or registering as a nonresident pharmacy.

Applications for an out-of-state drug distributor's license or a nonresident pharmacy registration, under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

The board may deny, revoke, or suspend such out-of-state distributor's license for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The license or nonresident pharmacy registration shall be renewed annually on or before the first day of January of each year.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to change or affect the tax liability imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code on any out-of-state manufacturer, wholesaler, or pharmacy.

The Legislature, by enacting this section, does not intend a license or nonresident pharmacy registration, issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to

serve as any evidence that such out-of-state manufacturer, wholesaler, or pharmacy is doing business within this state.

SEC. 4. Section 4350.6 is added to the Business and Professions Code, to read:

4350.6. (a) The board may deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with any requirement of Section 4050.1 or 4383 or for any failure to comply with Section 11164 of the Health and Safety Code.

(b) The board may deny, revoke, or suspend a nonresident pharmacy registration for conduct which causes serious bodily or serious psychological injury to a resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and the regulatory or licensing agency fails to initiate an investigation within 45 days of the referral. The board shall obtain and maintain a record of referrals pursuant to this subdivision and any action taken thereon and shall report its findings to the Legislature on or before March 31, 1991.

This section shall be operative until January 1, 1992, and as of that date, is repealed unless a later enacted statute deletes or extends that date.

SEC. 5. Section 4350.6 is added to the Business and Professions Code, to read:

4350.6. The board may deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with any requirement of Section 4050.1 or 4383 or for any failure to comply with Section 11164 of the Health and Safety Code.

This section shall become operative on January 1, 1992.

SEC. 6. Section 4383 is added to the Business and Professions Code, to read:

4383. It is unlawful for any nonresident pharmacy which is not registered pursuant to Section 4050.1 to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Seniors: More drug use, more adverse reactions

by Jeffrey R. Richardson

Older adults use 25 percent of prescription drugs, more than people in younger age brackets. This makes them, as a group, proportionately more susceptible to adverse drug reactions, according to Cameale Johnson, clinical pharmacist at Humana Hospital-Alaska.

"Older adults are more frequently hospitalized due to adverse drug reactions," Johnson said. And medication misuse accounts for two-thirds of adverse drug reactions in the senior population, she said.

Drug side-effects that may be mild to nonexistent in younger people "may be significant in older adults," Johnson noted.

The phrase "adverse drug reaction" refers to any effect occurring from the use of a drug that is undesirable, including the failure to absorb the drug properly so it can address the targeted problem. A side-effect is a form of adverse reaction which can usually be anticipated because of the constituents of drugs and their known impact on the human organism.

Johnson said there are a number of reasons why people handle drugs differently as they age:

- To be effective, all drugs must be absorbed. Often changes in the gastro-intestinal system prevent

drugs from being readily absorbed.

- Drug effectiveness is dependent on good circulation. Throughout the aging process there are changes in the circulatory system which affect the ability of drugs to go to get where they are needed.

- Body composition, that is, the amount of fat or lean muscle tissue in a person, is a factor in the way the body handles drugs, since many drugs are taken up and stored in fat tissue.

"Probably the most significant one is the way we metabolize and excrete the drug," Johnson said. "The activity of the liver declines with age. Also, the kidneys don't always work quite as well. If they don't eliminate them, they're going to be subject to the toxic effect."

Johnson acknowledged it's easy to get prescription drugs confused, especially if a person is being treated for more than one condition. This raises the problem of adverse drug reactions resulting from drug interactions.

A number of steps can be taken to prevent harmful drug interactions. The most important is to utilize the services of one pharmacist who is familiar with your medical history and all of the drugs being utilized. In this way,

'Medication misuse accounts for two-thirds of adverse drug reactions in the senior population.'

- Cameale Johnson

interactions can be spotted that might be missed because doctors, or other pharmacists, don't know all the drugs a person is taking.

Johnson cautioned against storing prescription drugs in the bathroom, where they can rapidly deteriorate.

"It's the worst place you can store medications. It's a damp, humid environment," Johnson said. She suggested a hall closet, out of the reach of children.

Johnson also urges people to pay attention to the age of medications.

"I think it's important when you're no longer taking a medication to discard it."

Generally, drugs should not be kept longer than one year from the date the prescription was filled.

Johnson also warns people who tend to lose track of their dosages:

"In general, you should not double up on medications if you think you've skipped a dose,"

Johnson concluded.

This information is presented by Senior Health Exchange, co-sponsored by Humana Seniors Association and Older Persons Action Group, Inc.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

APR 19 1990

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Paul Fischer
Chair - Senate Health and Social Services Committee

FROM: Representative Curt Menard *Curt Menard*

DATE: April 18, 1990

RE: HB 508 - An act relating to pharmacies located
outside the state

The above referenced bill passed from the House to the Senate on Monday, April 9 and is now in your committee. I respectfully request that a hearing be scheduled at your earliest possible convenience.

A growing number of out of state pharmacies distribute prescription drugs to Alaska residents without any oversight of their activities. This legislation addresses that lack of consumer protection.

Thank you for your attention to my request. If you have any questions, please call Iola Ycung at 4944.