

**SB**

**158**

# Alaska State Legislature

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### SPONSOR STATEMENT

SB 158

#### "An Act Relating to Pharmacists and Pharmacies"

The passage of this legislation is necessary to keep the practice of pharmacy in Alaska in step with national standards and to afford the public the safety and protection it deserves.

Current statutes are antiquated and obsolete. For example, investigative personnel within the Division of Occupational Licensing have continually experienced difficulty in investigating and processing complaints against licensed personnel and facilities because of vague, inadequate or non-existent language regarding unprofessional conduct and disciplinary sanctions. Many of the statutes are dated from the 1970's and do not reflect the current practice of pharmacy or changing nature of the profession.

Using the Model State Pharmacy Act of the National Association of Boards of Pharmacy as a template, this legislation reflects over four years of work by the pharmacy community and is supported by the Alaska Pharmaceutical Association and the Alaska Board of Pharmacy.

CSSB 158 (L & C)

Section 1: Amends AS 08.02.010(a) to change verbage from registered to licensed for consistency with balance of statutes. A license is a permission to act granted by competent authority as opposed to register which indicates to enroll or record.

Section 2: Amends AS 08.80 by adding new sections AS 08.80.003 "Practice of Pharmacy as a Profession" and AS 08.80.005 "Statement of Purpose." Pharmacy is a learned profession affecting public health and welfare and should be declared as such. The statement of purpose is designed to define the general scope of the Pharmacy Act. It provides for the control and regulation of the practice of pharmacy and the licenser of facilities engaged in the distribution of drugs and related devices. Because "distribution" is defined as delivery of a drug or device other than by administration or dispensing, practitioner's offices and medical clinics would not be subject to licenser by the Board of Pharmacy.

Section 3: Amends AS 08.80.010 by adding a new subsection (b) which establishes term limits for officers elected by the Board.

Section 4: Repeals AS 08.80.030 and reenacts to empower the Board to make such regulations as are necessary to fully administer and implement this Act. This section clarifies the responsibilities of the Board in order to protect the public health and welfare including licenser and renewal of licenses of personnel and facilities, regulation of pharmacists, interns, and technicians, the establishment of rules of conduct, professional standards and standards for education and training. Redundant language in the existing section is repealed.

Section 5: Amends AS 08.80.060 to specify at least three meetings annually, which is current practice.

Section 6: Amends AS 08.80.070 technical change by replacing "registration" with "licenser."

Section 7: Repeals and reenacts AS 08.80.110 by changing verbage from registration to licenser. Recognized that applicants for licenser must pass multiple examinations and recognizes the score transfer process administered by the National Association of Boards of Pharmacy. Removes specifics from the internship training clause, allowing that to be modified by regulation as needed. Allows a mechanism for graduates of foreign colleges of pharmacy to receive licenser upon meeting strict requirements of the National Association of Boards of Pharmacy

Section 8: Repeals and reenacts AS 08.80.116 by providing broad authority to establish internship and training requirements. Specific requirements are repealed which will be addressed in regulation.

Section 9: Repeals and reenacts AS 08.80.120 states the examination or examinations shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. They board may employ, cooperate, and contract with an organization or consultant in the preparation and grading of an examination. The board shall retain sole discretion and responsibility for determining which applicants have successfully passed the examination.

Section 10: Amends AS 08.80 by adding two new sections AS 08.80.145, which provides and clarifies guidelines for reciprocity of license from another state, and AS 08.80.147 which provides guidelines for renewal of licenses which have been lapsed for five years or more.

Section 11: Repeals and reenacts AS 08.80.150 which grants the Board the authority to issue temporary licenses. Repeals specific language which can be modified as needed by regulation.

Section 12: Repeals and reenacts AS 08.80.155 which grants the Board the authority to issue emergency permits. Repeals specific language which can be modified as needed by regulation.

Section 13: Repeals and reenacts AS 08.80.157 which grants and clarifies the authority of the Board to license and renew licenses of facilities involved in the practice of pharmacy or the manufacture of drugs. Allows the Board to determine classifications and criteria for licenser. Specifies that each location must be licensed and that a license is not transferable or assignable. Provides reporting requirements for licensed facilities and grounds for denying a license or taking disciplinary action against a license.

Section 14: Amends AS 08.80.165 by changing the fees terminology.

Section 15: Amends AS 08.80 by adding a new section AS 08.80.165 granting the Board authority to establish continuing education requirements for pharmacists.

Section 16: Amends AS 08.80.261 by changing grounds for disciplinary action to insure protection of the public, while allowing the Board to adapt them to changing conditions as necessary. Board regulations will make the grounds for disciplinary action specific, understandable and reasonable.

Section 17: Adds a new section AS 08.80.261(b) which gives the Board the ability to seal drugs during certain licensing actions to prevent the unlawful distribution of prescription drugs in the absence of a licensed pharmacist or valid pharmacy license.

Section 18: Repeals and reenacts AS 08.80.295 which continues authority for substitution of equivalent drug products (as defined in AS 08.80.480) while allowing the Board to address specific requirements in regulation.

Section 19: Adds a new section AS 08.80.315 which clarifies the confidentiality of certain records and information.

Section 20: Amends AS 08.80.330 to standardize terminology to Pharmacist in Charge instead of manager. Also allows for owners who are pharmacists but not actively practicing to appoint a Pharmacist in Charge.

Section 21: Amends AS 08.80.400 to specify that this chapter does not affect the practice of medicine by a licensed medical doctor, and does not limit a licensed medical doctor, physician assistant, advanced nurse practitioner, dentist, dispensing optician, or optometrist in supplying a patient with any medicinal preparation or article within the scope of the person's license.

Section 22: Amends AS 08.80.410 by changing the word "registered" to "licensed."

Section 23: Amends AS 08.80.430 prohibits the use of the symbol "Rx" unless the business has a pharmacist licensed under this chapter.

Sections

24-27: Repeals and reenacts AS 08.80.480(11), 08.80.480(14) and amends AS 08.80.480. These are updated definitions for terms used in this bill. The definition of the "Practice of Pharmacy" is one of the most important clauses in the Act because it is expressed in broad terms to provide latitude to the Board of Pharmacy in the adoption of implementing regulations.

Section 28: Repeals numerous sections that are better addressed through regulation by the Board of Pharmacy.