

ALASKA LEGISLATURE COMMITTEES FILES 1905-1900 00/2

3214.71 HHESS HB 123



RECORDS CERTIFICATION

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James O. Smith
Signature of Camera Operator

7/25/89
Date

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1 2 3

January 25, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(I&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

I urge your prompt action on this bill.

Sincerely,



Bill Sheffield
Governor

REQUEST

Bill/Resolution No.: HR 225
Title: An Act relating to the con-
tinuation of the Board of Pharmacy
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
Program Category Affected: _____
Consumer Protection
BRU, Program or Subprogram(s) Affected: _____
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill extends the function of the Board of Pharmacy which was sunsetted and expected to terminate on June 30, 1985. Funding for operating costs of the board is included in the agency's FY '86 budget request.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 10/9/84
Approved by Commissioner: Richard A. Lyon Date: 12/11/84
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

Board of Pharmacy - Allocations

The total Division budget request for FY 86 is:

ADMINISTRATION Component 1197.8

Of this amount, 12.3 is for 35% of a Licensing Examiner for the Pharmacy Board.

BOARD Component (Travel/and Per diem) 161.0

The base budget request was 95.0. Of this amount, 2.4 would be allocated to the Pharmacy Board. An additional budget increment of 56.0 was requested. Additional funding of 4.8 would be added to the Pharmacy Board if the increment is approved.

INVESTIGATIONS Component 638.8

This component provides all costs for investigations and hearings. There is no prior allocated amount to any particular board, however, Pharmacy cases are listed as life threatening and are given priority in allocated resources.

February 6, 1985

July 18, 1984

HOUSE JOURNAL

4425

CSHB 685(Loans)

and the Alaska renewable resources investment fund; and providing for an effective date.)

Chapter 161, SLA 1984

CSHB 716(L&C)

The following letter dated July 6, 1984, was received:

Re: CSHB 716(L&C)
(An Act relating to the
Board of Pharmacy)

"Dear Mr. Speaker:

Under the authority granted in art. II, sec. 15 of the Alaska Constitution, I have vetoed Committee Substitute for House Bill No. 716 (L&C), concerning the Board of Pharmacy.

This bill would have authorized the Board of Pharmacy to hire its own executive secretary. This would have been an undesirable departure from the consolidation and uniformity of the occupational licensing system under AS 08.01. It would have set a disturbing precedent for other boards in securing autonomous staff, outside of the division of occupational licensing in the Department of Commerce and Economic Development.

Another important reason for my veto is that the legislature failed to appropriate any money to fund the fiscal requirements of this position which was estimated by the department in a fiscal note to be \$135,000 this year.

Rather than allow this unfunded and administratively flawed bill to become law, I have directed the Department of Commerce and Economic Development and the Department of Law to review methods of better and more quickly implementing AS 17.30 concerning controlled substances. That chapter, which was enacted in 1982, gave the Board of Pharmacy some new powers and duties which have not been fully implemented, even though they largely overlap the board's continuing powers and duties under AS 08.80.

I believe that there are other better ways to implement the controlled substances legislation without unnecessarily disrupting the structure of the occupational licensing system. I am confident that the review I have directed will produce recommendations for alternatives that can be accomplished by the end of the next budget cycle, if the legislature will fund them.

Meanwhile even though this vetoed bill included a provision to extend the board's termination date from June 30, 1984 to June 30, 1988, under AS 08.03.020(a), the board will continue until June 30, 1985. Before that date the next

CSHB 716(L&C)

session if the legislature can extend the board without granting it the power to hire an executive secretary.

Sincerely,

/s/

Bill Sheffield
Governor"

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 25, 1985

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Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

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HB 123 FILE CONTENTS

- 1) Summary of HB 123 --Legislative Reporting Service
- 2) Overview -- Committee Staff
- 3) Overview of Board and Board Members -- Boards and Commissions
- 4) Transmittal Letter from Governor
- 5) Fiscal Note -- Dept. of Commerce, Occupational Licensing Div.
- 6) Operating Budget Request -- Dept. of Commerce
- 6) Governor's Veto Message of Last Year
- 7) Legislative Budget & Audit Report

-
- 8) Additional Materials Dated February 11, 1985 Supplied to Committee from Harry Traeger of Occupational Licensing in response to questions by Rep. Hanley in February 6, 1985 hearings.

A PERFORMANCE REPORT
ON THE
BOARD OF PHARMACY

July 1, 1980 to February 28, 1983

Audit Control Number

08-1114-51-33-R

Commissioner, Department of
Commerce and Economic Development

Richard A. Lyon

Deputy Commissioners, Department of
Commerce and Economic Development

Vincent O'Reilly
Terry Elder

Members of the Board of Pharmacy

Chairman
Secretary
Member
Member
Member
Member
Member

Eldon Ulmer
Margaret Soden
Susan Roberts
Robert Snider
James McCorcle
Charles Rush
Sidney Fry

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

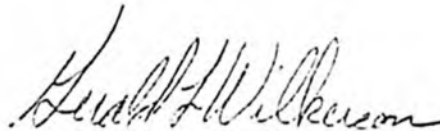
May 17, 1983

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REPORT ON THE BOARD OF PHARMACY

July 1, 1980 to February 28, 1983



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

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Pharmacy for the past three fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Pharmacy should be reestablished. The law now specifies that the Board will terminate June 30, 1984, and have one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

ORGANIZATION AND FUNCTION

The Board of Pharmacy is a regulatory board with seven members; two public members having no direct financial interest in the health care industry, and five professional members with three years practical experience and licensed in Alaska. Whenever possible, each judicial district should be represented by a Board member.

The Board regulates five types of licenses; pharmacists, retail pharmacies, wholesale pharmacies, hospital pharmacies and drug rooms. The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling pharmacy practices.
3. Revoking, annulling or suspending licenses in accordance with the Administrative Procedures Act when a person has violated pharmacy statutes or regulations.

Applicants for registration as a pharmacist are required to pass the National Association of the Boards of Pharmacy Licensing Examination (NABPLEX), and a jurisprudence exam covering Alaska pharmacy law and the Federal Controlled Substance Act.

Pharmacists licensed to practice in another state who apply for licensure in Alaska, can be licensed by credentials, except for those applicants from California or Louisiana. These two states require applicants to pass a state exam, not the national exam. Consequently, these applicants must take the national exam when applying in Alaska.

The Board may also issue temporary or emergency permits. Temporary permits allow qualified applicants to practice until the Board can formally license them; emergency permits allow pharmacists licensed in another state to practice in Alaska in an emergency. Both permits are limited in their duration and application.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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REPORT CONCLUSION

Policy Issues

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

Report Conclusion

In our opinion, the Board of Pharmacy should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Board of Pharmacy should allow the Division of Occupational Licensing (OL) to perform its administrative duties as described in AS 08.01.050 to improve documentation and file management.

The Secretary of the Board receives license fees and applications, keeps applicant files, sends notification of exam results, and issues temporary permits. Each of these responsibilities has been assigned by the Legislature to the Department of Commerce and Economic Development, Division of Occupational Licensing. The above situation exists because the previous Secretary believed he could be more efficient in maintaining the files and processing the applications. We disagree.

The Division of Occupational Licensing is able to provide continuous, uninterrupted service while Board membership changes causing address changes and file transfers.

Additionally, the Secretary of the Board may not be equipped with the space or security needed to maintain confidentiality of files and to safeguard State assets. Furthermore, applicants become confused about where to send their documents.

Noncompliance with AS 08.01.050 is the major cause of the following problems:

- A. In seven of ten files reviewed for proper permanent licensure, we were unable to assure ourselves the applicant had passed the jurisprudence exam.
- B. In two of the files, we were unable to verify the applicants had satisfied the internship requirement. The Board reviewed these files and was unable to satisfy us that the requirements had been met. One file was missing documentation and the other file had documentation we considered insufficient in relation to that required of other applicants. Most applicants were required to have certified copies of hours worked from supervising pharmacists. In this case, documentation consisted of an internship permit issued by the Board with no evidence any hours had been worked.
- C. Temporary permits are being issued by individual Board members without complete documentation on file in DOL. This procedure has resulted in inconsistent issuances of temporary permits. Furthermore, it allows for the possibility of unqualified individuals being licensed.

Prior to the February 1983 Board meeting, we reviewed each application for permanent licensure scheduled for Board consideration. Each applicant had already been issued a temporary permit. In five of eleven cases, there was insufficient documentation in the applicant's file to show that all requirements for temporary licensure had been met.

By the time of the February 1983 meeting, all necessary documentation to support issuance of temporary permits, except for a jurisprudence exam, had either been received by OL or brought to the meeting by the Secretary of the Board. With the additional documentation, we determined that no temporary permit had been issued to an unqualified applicant. However, the possibility exists for a person to be improperly licensed for a short time.

The Board should ensure all documentation is sent directly to OL. When the file is complete, a member of the Board can either issue the permit or direct OL to issue the permit. This procedure will ensure that all necessary documentation is on file at OL before issuance of temporary permits.

- D. Alaska Statute 08.80.157 requires proof that an applicant for a retail or wholesale pharmacy license has the land, facilities and equipment necessary to carry on business. Also, that the applicant be free of any conviction of a federal or state drug offense and free of any addiction.

We reviewed seven pharmacy files and none of the files contained sufficient documentation to issue a license. We discussed our finding with the Board and determined it was not their policy to include this documentation. They knew who had the facilities and relied on a telephone call from the Drug Enforcement Administration to satisfy the conviction requirement.

We believe the Board should adopt a policy to document satisfaction of the licensing requirements. The procedures need not be elaborate, but should supply sufficient proof that the applicant complies with law.

We recommend the Board ensure that all files, applications, fees and exam results are sent directly to OL. Also, that temporary permits are only issued after all documentation has been received by OL.

Recommendation No. 2

The Board of Pharmacy should reevaluate its regulations governing continuing education.

The following requirements of continuing education should be reviewed.

- A. Regulations require nonacademic programs to have an examination or another method of assuring satisfactory completion of the program before continuing education credit will be given. The Board allowed continuing education credit to be given to an individual when the nonacademic requirement had not been met. The reason given for allowing these credits was that the regulations were too stringent.

If the Board believes its regulations to be arbitrary or unreasonable, those regulations should be changed before accepting nonregulation continuing education credits. Compliance with existing regulations will ensure that all licensees are treated equally and consistently until changes can be made.

- B. The Board has described four instances when they will excuse a licensee from continued competency requirements. These causes are chronic illness, retirement, military service, or hardships as individually determined by the Board.

In our opinion, it is more reasonable to require individuals who have been chronically ill, retired or in the military to demonstrate their continued competency, than those who have not interrupted their practice. We also understand that those persons who have been chronically ill should not be penalized for their illness.

However, the Board has the ability, under the hardship clause, to determine each case individually. They should evaluate the changes in the profession and develop a plan for the individual that would allow him or her to practice while fulfilling the continuing education requirements. This would fulfill the Board's primary purpose to protect the public while not unduly penalizing the professional.

Recommendation No. 3

The Board of Pharmacy and the Division of Occupational Licensing should introduce legislation that will clarify certain statutory requirements.

Alaska Statute 08.01.050(19) places the responsibility for

performing investigations with the Division; Alaska Statute 08.01.070 assigns to the Board the requesting authority. However, AS 08.80.030(3) also gives the Board the authority to conduct investigations. This conflict has caused friction between the Division and the Board.

The Board is concerned that the Division is not informing them of complaints or investigations concerning pharmacy, while the Division is concerned that the Board not become involved in the investigation to such an extent as to prejudice the case. Also, the Board must remain impartial in case they become involved in any disciplinary action against the licensee.

Legislation is necessary to clarify the responsibilities of the Board and the Division so both will be confident they are properly performing their statutory duties.

Recommendation No. 4

The Office of the Governor should ensure that Board members are properly appointed.

In July of 1980, the Legislature limited the number of consecutive terms a Board member could serve to two and reduced the term from five years to four. The intent of AS 08.80.020 as amended, was to make service on the Board accessible to more individuals in the profession.

In discussions with Legislative Affairs' attorneys, it became clear that the intent of the Legislature was to include service prior to July, 1980, in determining the limitation. Three members of the Board of Pharmacy have served longer than is allowed when prior service is applied.

One member has served for sixteen years as of March 31, 1983, thirteen of those years prior to July, 1980. This same member was reappointed after the effective date of AS-08.30.020. At the end of his present term, he will have served nineteen years. Two other members will have served twelve and ten years at the end of their present terms on March 31, 1984 and March 31, 1985, respectively.

Additionally, three members of the Board appointed after the effective date of the legislation, have been appointed for five year terms instead of four.

We recommend the Office of the Governor ensure that Board members are appointed in accordance with statute.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The Board has held public meetings three times a year.
 - B. The Board administers the pharmacy test yearly.
 - C. The Board has passed regulations concerning dangerous drugs, continuing education as proof of continued competency, false or misleading advertisement of drugs, and prepackaging of drugs in hospital drug rooms.
 - D. The Board was instrumental in passage of the Controlled Substance Act and the Marijuana Therapeutic Research Program.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board adopted continuing education regulations that may be too stringent. The Board is reconsidering these regulations (see Recommendation No. 2).

- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
 - A. The Board actively supported passage of the Controlled Substance Act; it became effective January 1, 1983.
 - B. The Board succeeded in having various obsolete or vague statutory requirements repealed which provided for smoother operation of the Board.

- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
- A. Board meetings are announced to the public. Comments on regulation changes are solicited by announcement in public newspapers. The Board does not actively solicit comments on its effectiveness.
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
- A. The Board announces proposed regulation changes or additions in newspapers according to the Administrative Procedures Act.
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board, or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.
- A. We found no problems in this area.
- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
- A. We found no instances where the Board had licensed unqualified practitioners.
- B. The Board has licensed 83 pharmacists in the last three years, all but eight were licensed by credentials.
- VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.
- A. Applications for licensure as a pharmacist require information and photographs which the Division of Equal Employment Opportunity (EEO) believes may not be necessary to determine the qualifications of the applicant.

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

Please refer to the recommendation section of this report.

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APPENDIX A

BOARD OF PHARMACY
REVENUES COMPARED WITH EXPENDITURES
For the Fiscal Year Ended June 30, 1982

(UNAUDITED)
(Note 1)

Average Revenues (Note 2)	\$42,763
Less: Expenditures (Note 3)	<u>46,166</u>
Excess of Expenditures Over Revenues	<u>\$ 3,403</u>

<u>Revenue Type</u>	<u>Amount</u>	<u>Collection Time</u>
Examination Fee	\$ 50	With application
Re-examination Fee	15	With application
Investigation Fee	25	With application
Pharmacist Fee	200	With license issuance
Pharmacist Renewal Fee	200	Every four years
Temporary License Fee	20	With permit issuance
Wholesale Drug Dealer Fee	200	With license issuance
Wholesale Drug Dealer Renewal Fee	200	Every four years
Retail Pharmacy Fee	200	With license renewal
Retail Pharmacy Renewal Fee	200	Every four years
Pharmacy Interim Fee	10	With license issuance
Emergency Permit Fee	10	With permit issuance
Hospital Pharmacy Fee	200	With license issuance
Hospital Pharmacy Renewal Fee	200	Every four years
Hospital Drug Room Fee	100	With license issuance
Hospital Drug Room Renewal Fee	100	Every four years
Nursing Home and Related Facility Fee	100	With license issuance
Nursing Home and Related Facility Renewal Fee	100	Every four years
License Amendments or Renewal Fee	10	When applicable

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with Occupational Licensing personnel. The records were not audited by us and accordingly we do not express an opinion on the Board's Revenues Compared with Expenditures.

Note 2

The majority of the revenues collected are composed of license renewal fees. These fees are collected by most boards once every two or four years and causes revenues in one year to be much greater than the revenues collected in the next year. Therefore, we calculated and reported an average of the revenues collected in Fiscal Years 1981 and 1982 in order to obtain a more accurate representation of revenues collected.

Note 3

Expenditures include those made by board members, such as travel and per diem, and an allocated percentage (estimated) of total administrative expenses of the Division of Occupational Licensing. They do not include expenditures for efforts of other departments (such as the Department of Law) assisting the boards and the Division.

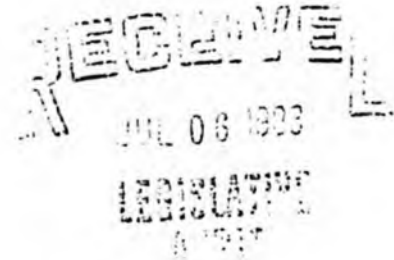
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**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

OFFICE OF THE COMMISSIONER

June 23, 1983

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2500



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

Dear Mr. Wilkerson:

Re: Board of Pharmacy -
Performance Report

Thank you for the opportunity to respond to the performance audit of the Board of Pharmacy and the Division of Occupational Licensing which is dated July 1, 1980 to February 28, 1983.

We concur with your evaluation that the Board of Pharmacy should continue to exist in interest of the public's health and safety. Your suggestions will be evaluated for implementation. Those determined to improve the efficiency and effectiveness of the division and the board will be strongly supported and recommended. We have reviewed each of your recommendations and will provide you with this agency's position if we do not agree.

RECOMMENDATION #1.

The board of Pharmacy should allow the Division of Occupational Licensing (DOL) to perform its administrative duties as described in AS 08.01.050 to improve documentation and file management.

We concur in this recommendation, and cooperative efforts have recently improved. As mandated by legislation, and in the interest of efficiency, DOL is committed to assisting the Board of Pharmacy in all areas.

RECOMMENDATION #2.

The Board of Pharmacy should reevaluate its regulations governing continuing education.

June 29, 1983

This agency is continuing a review on requirement of continuing education by licensing agencies (boards). We do not agree that continued education ensures continued competency. As a licensing agency we determine that competency is the most important. Competency ensures the safety of the consumer. We also take the position that initial licensing is based on minimum qualifications; retesting on the entrance level may serve the purpose of ensuring continued competency. Continued education would, or should, be viewed as the professional association's responsibility to ensure knowledgeable professionals. This would also be in keeping with less government regulations and letting industry regulate itself.

RECOMMENDATION #3.

The Board of Pharmacy and the Division of Occupational Licensing should introduce legislation that will clarify certain statutory requirements.

We concur with this recommendation. This agency has been working with the Legislative Code Revision Committee in rewriting Title 3. This would have deleted the fragmentation throughout Title 3 and the various chapters. This effort was resisted by the board as an effort to diminish its authority. We will seek to have legislation submitted to clarify the issue of conflict within the statutes.

RECOMMENDATION #4.

The Office of the Governor should ensure that board members are properly appointed.

We would assure the auditors this has been addressed by the Governor's Office and by the Department of Law.

Again, thank you for the opportunity to respond to your report. Please feel free to contact this agency or the Division of Occupational Licensing if additional information or clarification is needed. Be assured, we determine your comments and findings to be fair and in the best interest of Alaskan consumers and professional pharmacist.

Sincerely,



Richard A. Lyon
Commissioner

RAL/cw#23001
528838

BOARD: PHARMACY, BOARD OF

TITLE: Board of Pharmacy

DEPT: Department of Commerce and Economic Development

AUTHORITY: AS 08.80.010

STATUS: ACTIVE

REQUIREMENTS: LEGISLATIVE CONFIRMATION

PROHIBITIONS: Cannot serve more than two successive complete terms

TERM: 4-year - overlapping

DESCRIPTION: 7 members appointed by Governor: 5 licensed pharmacists actively engaged in practice in Alaska for 3 years immediately preceding appointment; 2 public members (staggered terms) with no direct financial interest in health care industry; when possible, one member should represent each judicial district; terms begin April 1; members elect President.

SPECIAL FACTS: Quorum - 4 members (3 when examining applications for registration); report to Legislature; members may be removed for cause

FUNCTION: Controls certification, revocation of applicants; promulgates regulations to ensure adequate security for dangerous drugs.

COMPENSATION: Actual travel expenses and standard per diem

MEETINGS: 3 times per year; 9 days total

*FOR FURTHER INFORMATION CONTACT: Licensing Examiner, Division of Occupational Licensing, Dept. of Commerce and Economic Development, Pouch D, Juneau, AK 99811 - 465-2541

Pharmacy

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Joy H. Donelson, RPh 908 "R" Street Anchorage 99501 Pharmacist	83/12/27		86/03/31
William P. Larson, RPh SRA Box 562 Anchorage 99516 Pharmacist	84/03/30		88/03/31
James H. McCorcle, RPh P.O. Box 450 Juneau 99802 Pharmacist - Chair	80/04/15		85/03/31
Christy C. Nielson, RPh SR Box 20124-A Fairbanks 99701 Pharmacist	83/12/27		87/03/31
Sue Roberts Mile 153 Sterling Highway Anchor Point 99556 Public	81/03/05		86/03/31
Robert K. Snider 2122 Forest Park Drive Anchorage 99503 Public	80/04/15		85/03/31
Margaret D. Soden, RPh 3222 Anelia Avenue Fairbanks 99701 Pharmacist	81/03/19		86/03/31

Offered: 5/25/84
Referred: Rules

Original sponsor: Labor and Commerce Committee

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 716 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Board of Pharmacy; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 08.03.010(c)(4) is amended to read:

10 (4) Board of Pharmacy (AS 08.80.010) -- June 30, 1988
11 [1984].

12 * Sec. 2. AS 08.80.030 is amended to read:

13 Sec. 08.80.030. POWERS OF THE BOARD. The board may

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

16 (2) examine applicants for registration as pharmacists;

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

20 (4) adopt regulations [AND DO WHATEVER ELSE IS NECESSARY
21 AND ADVISABLE] to carry out the purposes of this chapter;

22 (5) [PROMULGATE REGULATIONS TO CARRY OUT THE PURPOSES OF
23 THIS CHAPTER;

24 (6) Repealed

25 (7)] register intern pharmacists and adopt regulations
26 [PROMULGATE RULES] relating to their minimum experience requirements;

27 (6) adopt [(8) PROMULGATE] regulations to ensure adequate
28 security for all dangerous drugs;

29 (7) [(9)] adopt requirements for licensing in addition to

1 the requirements set out in this chapter.

2 * Sec. 3. AS 08.80 is amended by adding new sections to read:

3 Sec. 08.80.095. EXECUTIVE SECRETARY. The board may hire an
4 executive secretary to assist in implementing this chapter and in
5 regulating controlled substances under AS 17.30. The executive
6 secretary shall be a member of the partially exempt service under
7 AS 39.25.120.

8 Sec. 08.80.097. DUTIES OF THE EXECUTIVE SECRETARY. The
9 executive secretary shall

10 (1) serve as liaison with the national association of
11 boards of pharmacy;

12 (2) under the supervision of the board, administer the
13 state pharmacy examination;

14 (3) serve as liaison with the Drug Enforcement
15 Administration on all matters pertaining to the legitimate use of
16 controlled substances by members of the medical community;

17 (4) maintain files and records approved by the board; and

18 (5) perform other duties required by the board.

19 Sec. 08.80.099. INVESTIGATIONS. (a) The executive secretary,
20 under the supervision of the board, may inspect pharmacies and
21 investigate complaints to determine whether any person has violated
22 this chapter or AS 17.30 or a regulation adopted under either chapter
23 or to secure information useful in the administration of either
24 chapter.

25 (b) If the executive secretary believes that a person may have
26 engaged in or be about to engage in an act or practice in violation of
27 this chapter or AS 17.30 or a regulation adopted under either chapter,
28 the executive secretary shall investigate the matter in accordance
29 with this chapter or AS 17.30 and immediately send written notice of

1 the investigation to each board member and to the department.

2 * Sec. 4. AS 39.25.120(c) is amended to read:

3 (c) the following positions in the state service constitute the
4 partially exempt service:

5 (1) deputy and assistant commissioners of the principal
6 departments of the executive branch, including the assistant adjutant
7 general of the Department of Military Affairs;

8 (2) the directors of the major divisions of the principal
9 departments of the executive branch and the regional directors of the
10 Department of Transportation and Public Facilities;

11 (3) attorney members of the staff of the Department of Law
12 and of the public defender agency;

13 (4) one private secretary for each head of a principal
14 department in the executive branch;

15 (5) employees of councils, boards, or commissions
16 established by statute in the Office of the Governor or the office of
17 the lieutenant governor, unless a different classification is provided
18 by statute;

19 (6) the executive director, deputy director, hearing
20 officers, and administrative law judges of the Alaska Public Utilities
21 Commission;

22 (7) the director, deputy director, staff legal counsel, and
23 hearing officers of the Alaska Transportation Commission;

24 (8) not more than two special assistants to the
25 commissioner of each of the principal departments of the executive
26 branch, but the number may be increased if the partially exempt
27 service is extended under AS 39.25.130 to include the additional
28 special assistants;

29 (9) the principal executive officer of the following

- 1 boards, councils, or commissions:
- 2 (A) Alaska Public Broadcasting Commission;
- 3 (B) Professional Teaching Practices Commission;
- 4 (C) Parole Board;
- 5 (D) Board of Nursing;
- 6 (E) Real Estate Commission;
- 7 (F) Alaska Royalty Oil and Gas Development Advisory
- 8 Board;
- 9 (G) Alaska Historical Commission;
- 10 (H) Alaska State Council on the Arts;
- 11 (I) Alaska Police Standards Council;
- 12 (J) Council on Science and Technology;
- 13 (K) Older Alaskans Commission;
- 14 (L) Board of Pharmacy;
- 15 (10) Alaska Pioneers' Home managers;
- 16 (11) hearing examiners in the Department of Revenue;
- 17 (12) the comptroller in the division of treasury, Department
- 18 of Revenue;
- 19 (13) investment officers in the Department of Revenue;
- 20 (14) airport managers in the Department of Transportation
- 21 and Public Facilities employed at the Anchorage and Fairbanks
- 22 International Airports;
- 23 (15) the deputy director of the division of tourism and the
- 24 deputy director of the division of insurance in the Department of
- 25 Commerce and Economic Development;
- 26 (16) the executive director and staff of the Alaska Public
- 27 Offices Commission;
- 28 (17) the director, deputy director, personnel analysts II,
- 29 labor relations analysts I, labor relations analysts I, senior

1 negotiators, and research directors of the division of labor relations
2 in the Department of Administration;

3 (13) the rehabilitation administrator of the Workers'
4 Compensation Board.

5 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).

INTRODUCTION OF BILLS (House)

HB 122, (cont'd)

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;
3. the specific need for which they were established no longer exists.

Despite their dormant state, these entities exist on the books of the Alaska Statutes. The purpose of this bill is to abolish these entities and repeal the statutes governing their operation. The cultural facilities development fund, AS 44.33.401 -- 44.33.417, which was to be handled by the Advisory Council on Cultural Facilities, is also repealed; no money has been appropriated to the fund, and no grants have been awarded.

I urge your prompt and favorable action on this measure, to clean up the statutes and to clear up public confusion about these entities.

Board of
Pharmacy
(extending)

HOUSE BILL NO. 123, by the Rules Committee by Request of the Governor: Extends the Board of Pharmacy until June 30, 1988 (currently set to terminate June 30, 1984). Act takes effect immediately.

Introduced January 25 and referred to Labor & Commerce, Health, Education & Social Services, then Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 17, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSRB 715(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1988.

Older Alaskans
Commission
(extending)

HOUSE BILL NO. 124, by the Rules Committee by Request of the Governor. Extends the Older Alaskans Commission until June 30, 1989 (currently set to terminate June 30, 1985). Takes effect immediately.

Introduced January 25 and referred to State Affairs, then Health, Education & Social Services.

CSHB 685(Loans)

and the Alaska renewable resources investment fund; and providing for an effective date.)

Chapter 161, SLA 1984

CSHB 716(L&C)

The following letter dated July 6, 1984, was received:

Re: CSHB 716(L&C)
(An Act relating to the
Board of Pharmacy)

"Dear Mr. Speaker:

Under the authority granted in art. II, sec. 15 of the Alaska Constitution, I have vetoed Committee Substitute for House Bill No. 716 (L&C), concerning the Board of Pharmacy.

This bill would have authorized the Board of Pharmacy to hire its own executive secretary. This would have been an undesirable departure from the consolidation and uniformity of the occupational licensing system under AS 08.01. It would have set a disturbing precedent for other boards in securing autonomous staff, outside of the division of occupational licensing in the Department of Commerce and Economic Development.

Another important reason for my veto is that the legislature failed to appropriate any money to fund the fiscal requirements of this position which was estimated by the department in a fiscal note to be \$135,000 this year.

Rather than allow this unfunded and administratively flawed bill to become law, I have directed the Department of Commerce and Economic Development and the Department of Law to review methods of better and more quickly implementing AS 17.30 concerning controlled substances. That chapter, which was enacted in 1982, gave the Board of Pharmacy some new powers and duties which have not been fully implemented, even though they largely overlap the board's continuing powers and duties under AS 08.30.

I believe that there are other better ways to implement the controlled substances legislation without unnecessarily disrupting the structure of the occupational licensing system. I am confident that the review I have directed will produce recommendations for alternatives that can be accomplished by the end of the next budget cycle, if the legislature will fund them.

Meanwhile even though this vetoed bill included a provision to extend the board's termination date from June 30, 1984 to June 30, 1988, under AS 08.03.020(a), the board will continue until June 30, 1985. Before that date the next

January 25, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

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I urge your prompt action on this bill.

Sincerely,



Bill Sheffield
Governor

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

CSHB 585(Loans)

and the Alaska renewable resources investment fund; and providing for an effective date.)

Chapter 161, SLA 1984

CSHB 716(L&C)

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CSHB 715(LSC)

session of the legislature can extend the board without granting it the power to hire an executive secretary.

Sincerely,

/s/

Bill Sheffield
Governor"

January 25, 1985

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Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

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I urge your prompt action on this bill.

Sincerely,



Bill Sheffield
Governor

REQUEST

Bill/Resolution No.:
Title: An Act relating to the con-
tinuation of the Board of Pharmacy
Sponsor:
Requestor:
Date of Request:

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
Program Category Affected:
Consumer Protection
BRU, Program or Subprogram(s) Affected:
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

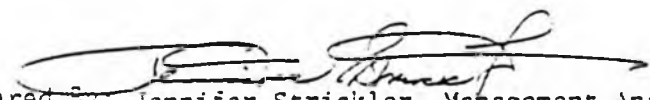
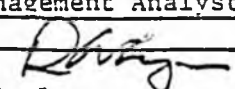
GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill extends the function of the Board of Pharmacy which was sunsetted and expected to terminate on June 30, 1985. Funding for operating costs of the board is included in the agency's FY '86 budget request.


 Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 10/9/84

 Approved by Commissioner: Richard A. Lyon Date: 12/11/84
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Board of Pharmacy - Allocations

The total Division budget request for FY 86 is:

ADMINISTRATION Component 1197.8

Of this amount, 12.3 is for 35% of a Licensing Examiner for the Pharmacy Board.

BOARD Component (Travel/and Per diem) 161.0

The base budget request was 95.2. Of this amount, 2.4 would be allocated to the Pharmacy Board. An additional budget increment of 56.0 was requested. Additional funding of 4.8 would be added to the Pharmacy Board if the increment is approved.

INVESTIGATIONS Component 638.8

This component provides all costs for investigations and hearings. There is no prior allocated amount to any particular board, however, Pharmacy cases are listed as life threatening and are given priority in allocated resources.

February 6, 1985

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

BILL SHEFFIELD, GOVERNOR

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

February 11, 1985

The Honorable Alyce A. Hanley
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Hanley:

Re: Controlled Substance Act
(Chapter 45, SLA 1982)

During a recent committee hearing of the House Labor and Commerce Committee you requested two responses from this agency. They were:

1. how executive secretaries are addressed in other states; and
2. a short commentary on the efforts to implement the Controlled Substances Act.

For ease in review, enclosed is a synopsis of other states who have an executive secretary assigned to their boards of pharmacy. It is important to note the number of licensees vs. approximately 438 in the State of Alaska.

The following list is a compilation of the efforts expended to implement the Controlled Substances Act. The Board of Pharmacy's statutory mandate is set out in AS 17.30 and AS 17.35. This includes registering all practitioners who are authorized by the Drug Enforcement Agency (DEA), Department of Justice, to manufacture, dispense or distribute controlled substances.

1. Hired a regulation specialist in April 1983 for 16 months primarily for the development of regulations pertaining to registration.
2. Held numerous public hearings and teleconferences relating to the regulations project (12 AAC 52.400-455).
3. Developed a staff working relationship with staff of DEA. State began receiving DEA information on State practitioners currently licensed and registered with DEA.

4. Established a coordinated program with DEA personnel to receive a quarterly report on use of all controlled substances in Alaska.
5. Established additional programs on current computer program to include DEA registration number (for doctors, dentists, pharmacy registrants, veterinarians).
5. Forms design. Developed two forms, the first for applicants (physicians) who desire to be appointed to the patient qualification committee; the second was the registration form for all practitioners with DEA numbers.
7. Completed first regulation project in June 1983 forwarded to Pharmacy Board. Began second project (12 AAC 52.610 to 630. - Marijuana Therapeutic Research Program).
8. Designed and developed a "pyramid" warning system in Southeast. The system is to notify pharmacists of a dangerous drug or when a registrant's license is revoked, or cancelled.
9. February 1984 investigative staff trained in Seattle by DEA personnel. Emphasis on pharmacy inspections and prescription inventory.
10. Established an additional program receipts procedure for registration under 12 AAC 52 400 to 455.
11. New investigator for Pharmacy Board hired in Anchorage.
12. December 1984, regulations approved by Department of Law for filing.
13. Coordinated efforts for the Board of Pharmacy to become registered to obtain an IND registration number (Investigational Exemption for New Drug).

Other tasks completed by the board:

Appointment of physicians to the patient qualification review committee.

Honorable Alyce A. Hanley

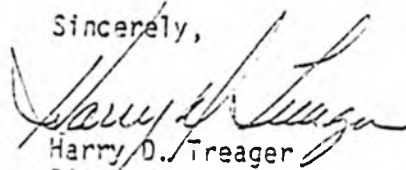
-3-

February 11, 1985

Designated Providence Hospital as the location for dispensing THC.

I trust the above information will assist you in your reviews. If this agency can be of additional assistance, feel free to contact us.

Sincerely,



Harry D. Treager
Director

HDT/va10111V

21195A

Enclosure

cc: Representative Mike Mavarris, Chairman
House Labor and Commerce Committee

**STATE OF ALASKA
BOARD OF PHARMACY
APPLICATION FOR REGISTRATION UNDER
CONTROLLED SUBSTANCES ACT**

Fill in the white and yellow copies of this form with attachments to:

State of Alaska
Board of Pharmacy
P.O. Box 9
Juneau, Alaska 99811

Retain pink copy for your records and future reference. A validated form will be returned as your certificate and must be posted conspicuously in your place of practice.

Name _____

Location _____

Mailing Address _____

Telephone: _____

1. Alaskan Professional License Number: _____

2. DEA Number _____

3. DEA Number registered for use in Alaska Yes No

4. Has the applicant been convicted of a felony in connection with controlled substances under State or federal law; or if the applicant is a corporation, association or partnership, has any officer or partner been convicted of a felony in connection with controlled substances under State or federal law? Yes No

If answer to question #4 is YES, attach a letter setting forth the circumstances.

I certify under penalty of perjury that the above information furnished is true and correct.

Warning: Alaska Statute 11.56.210 states that any person who knowingly or intentionally furnishes false or fraudulent information in this application has committed a Class A misdemeanor.

Print Name _____
Signature

Attached hereto must be: _____
Date

1. \$10.00 Registration Fee
2. A photocopy of current federal registration certificate; or, a photocopy of application for a federal registration along with proof from U.S. Drug Enforcement Agency that the registration has been unduly delayed.

Note: All attachments must be signed by the applicant.

BELOW FOR DEPARTMENT USE ONLY

Alaska Controlled Substance Act Authorization Number: _____

Authorized Business Activity

- | | |
|--|---|
| A. <input type="checkbox"/> Retail Pharmacy | D. <input type="checkbox"/> Practitioner |
| B. <input type="checkbox"/> Hospital Clinic | E. <input type="checkbox"/> Researcher |
| C. <input type="checkbox"/> Teaching Institution | F. <input type="checkbox"/> Analytical Laboratory |

Drug Schedules

- | | | |
|--|-------------|---|
| A. Schedule II <input type="checkbox"/> | Narcotic | D. Schedule IV <input type="checkbox"/> |
| B. Schedule III <input type="checkbox"/> | Nonnarcotic | E. Schedule V <input type="checkbox"/> |
| | Narcotic | |
| | Nonnarcotic | |

Expiration Date: _____

Date	Receipt	Amount	Initials

1. White: Certificate (must be validated) 2. Yellow: Board of Pharmacy 3. Pink: Applicant Retain

12 AAC 52 is amended by adding new sections to read:

ARTICLE 5

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

Section

- 400. Persons required to register
- 405. Persons exempt under federal law
- 410. Separate registration for independent activities
- 415. Separate registration for separate locations
- 420. Registration renewal
- 425. Application
- 430. Proof of federal registration
- 435. Registration fee
- 440. Action on applications
- 445. Certificate of registration
- 450. Termination of registration
- 455. Surrender of revoked or suspended certificate of registration

12 AAC 52.400. PERSONS REQUIRED TO REGISTER. Each person who manufactures, distributes, dispenses, or conducts research with a controlled substance in this state, or who proposes to do so, shall register annually with the board unless exempted by AS 17.30.320(c) or 12 AAC 52.405. Only a person actually engaged in these activities is required to register. A related or affiliated person who does not engage in the activities is not required to register. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (b)

12 AAC 52.405. PERSONS EXEMPT UNDER FEDERAL LAW. (a) A person who is exempt from federal registration under the federal Controlled Substances Act of 1970, as amended 21 U.S.C. secs. 321 -- 329, is also exempt from registration with the board.

(c) A person registered for a group of activities may engage in those activities with respect to all controlled substances in each schedule identified in that group of activities. However a person registered to conduct research with Schedule I controlled substances under (b)(4) of this section may conduct those activities only with the particular controlled substances identified on a research protocol that has been approved by the U.S. Drug Enforcement Administration. (Eff. 12/30/64, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)
AS 17.30.030(a)
AS 17.30.070(c)

12 AAC 52.415. SEPARATE REGISTRATION FOR SEPARATE LOCATIONS. A separate registration is required for each principal place of business or professional practice and for each office or other facility where controlled substances are manufactured, distributed, dispensed, or stored by a person. However, no separate registration is required for the following facilities:

(1) a warehouse where controlled substances are stored by or on behalf of a registered person, and from which the substances are distributed only to the registered person's principal place of business;

(2) an office used by agents of a registered person, at which the purchase or sale of controlled substances is solicited, made, or supervised, but which neither contains any controlled substances, other than for display purposes or for lawful distribution as samples only, nor serves as a distribution point for filling purchase or sales orders; and

(3) an office, used by a registered person with another principal place of business, from which controlled substances are prescribed but not administered or otherwise dispensed as a regular part of the professional practice of the registered person, and at which no supplies of controlled substances are maintained. (Eff. 12/30/64, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (e)
AS 17.30.030(a)

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

12 AAC 52 is amended by adding new sections to read:

ARTICLE 5

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

Section

- 400. Persons required to register
- 405. Persons exempt under federal law
- 410. Separate registration for independent activities
- 415. Separate registration for separate locations
- 420. Registration renewal
- 425. Application
- 430. Proof of federal registration
- 435. Registration fee
- 440. Action on applications
- 445. Certificate of registration
- 450. Termination of registration
- 455. Surrender of revoked or suspended certificate of registration

12 AAC 52.400. PERSONS REQUIRED TO REGISTER. Each person who manufactures, distributes, dispenses, or conducts research with a controlled substance in this state, or who proposes to do so, shall register annually with the board unless exempted by AS 17.30.020(c) or 12 AAC 52.405. Only a person actually engaged in these activities is required to register. A related or affiliated person who does not engage in the activities is not required to register. (Eff. 12/30/84, Reg. 52)

Authority: AS 17.30.010
AS 17.30.020(a) and (b)

12 AAC 52.405. PERSONS EXEMPT UNDER FEDERAL LAW. (a) A person who is exempt from federal registration under the federal Controlled Substances Act of 1970, as amended 21 U.S.C. secs. 321 -- 392, is also exempt from registration with the board.

(c) If a person exempted by this section also engages as a private individual in any activity for which registration is required, the person shall register for the private activity. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (b)
AS 17.30.030

12 AAC 52.410. SEPARATE REGISTRATION FOR INDEPENDENT ACTIVITIES. (a) A person must obtain a separate certificate of registration for each group of independent activities in which the person engages.

(b) The following groups of activities are considered to be independent of each other:

- (1) manufacturing controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (2) distributing controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (3) dispensing controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (4) conducting research with controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (5) conducting instructional activities with controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (6) conducting a narcotic treatment program using any narcotic drugs listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (7) conducting chemical analysis with controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (8) importing controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (9) exporting controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;
- (10) compounding controlled substances listed in U.S. Drug Enforcement Administration Schedules I -- V;

(c) A person registered for a group of activities may engage in those activities with respect to all controlled substances in each schedule identified in that group of activities. However a person registered to conduct research with Schedule I controlled substances under (b)(4) of this section may conduct those activities only with the particular controlled substances identified on a research protocol that has been approved by the U.S. Drug Enforcement Administration. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)
AS 17.30.030(a)
AS 17.30.070(c)

12 AAC 52.415. SEPARATE REGISTRATION FOR SEPARATE LOCATIONS. A separate registration is required for each principal place of business or professional practice and for each office or other facility where controlled substances are manufactured, distributed, dispensed, or stored by a person. However, no separate registration is required for the following facilities:

(1) a warehouse where controlled substances are stored by or on behalf of a registered person, and from which the substances are distributed only to the registered person's principal place of business;

(2) an office used by agents of a registered person, at which the purchase or sale of controlled substances is solicited, made, or supervised, but which neither contains any controlled substances, other than for display purposes or for lawful distribution as samples only, nor serves as a distribution point for filling purchase or sales orders; and

(3) an office, used by a registered person with another principal place of business, from which controlled substances are prescribed but not administered or otherwise dispensed as a regular part of the professional practice of the registered person, and at which no supplies of controlled substances are maintained. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (e)
AS 17.30.030(a)

12 AAC 52.420. REGISTRATION RENEWAL. A person's state registration expires annually, on the date the person's then-current registration with the U.S. Drug Enforcement Administration expires. Application for renewal of state registration must be filed with the board not later than 30 days before expiration of the current registration. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.030(d)

12 AAC 52.425. APPLICATION. (a) Application for registration and renewal must be made on forms provided by the board. The board will mail an application to known licensed professionals in the state who are registered with the U.S. Drug Enforcement Administration. However, each person required to be registered is responsible for requesting an application if one is not received, and failure of the board to mail an application does not excuse a person from timely registering under 12 AAC 52.400 -- 12 AAC 52.455. Applications may be obtained at the offices of the Department of Commerce and Economic Development, division of occupational licensing, during normal business hours, or by writing to the State of Alaska, Board of Pharmacy, Pouch D, Juneau, Alaska 99811.

(b) Each applicant shall return the original copy of the application form with proof of federal registration and the registration fee, to the board, retaining the duplicate of the form for the applicant's records. Each applicant must include all information called for unless an item is not applicable, in which case this fact must be indicated.

(c) Each application, attachment, or other document filed as part of an application must be signed by the applicant, if the applicant is an individual; by an authorized partner, if the applicant is a partnership; or by an appropriate officer, if the applicant is a corporation, corporate division, association, trust, or other entity.

(d) Each application must be accompanied by the proof of federal registration required by 12 AAC 52.430, and by the registration fee required by 12 AAC 52.435, and must be submitted for filing to the State of Alaska, Board of Pharmacy, Pouch D, Juneau, Alaska 99811.

(a) A person required to obtain more than one certificate of registration may submit all applications in one package. Each application must be complete by itself and may not refer to an accompanying application for required information. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)
AS 17.30.030

12 AAC 52.430. PROOF OF FEDERAL REGISTRATION. (a) An applicant must prove that the applicant is registered under the Federal Controlled Substance Act of 1970, as amended. Proof of federal registration must accompany each application.

(b) An applicant may prove the applicant's federal registration by submitting

(1) a photocopy of the applicant's current federal registration certificate; or

(2) a photocopy of the applicant's application for a new or renewed federal registration along with proof from the U.S. Drug Enforcement Administration that the applicant's federal registration has been unduly delayed. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)
AS 17.30.030

12 AAC 52.435. REGISTRATION FEE. (a) For each registration or renewal the applicant must pay a fee of \$10.

(b) Payment must be made in the form of a personal, certified, or cashier's check or money order made payable to the "State of Alaska". Payment in the form of stamps, foreign currency or third party endorsed checks will not be accepted. If the application is not accepted for filing or if it is denied, the payment will be refunded to the applicant. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010(a) and (b)
AS 17.30.020(a)

12 AAC 52.440. ACTION ON APPLICATIONS. (a) Complete correct applications will be dated upon receipt by the board. An application failing to comply with the requirements of 12 AAC 52.400 -- 12 AAC 52.455 will not be accepted for consideration by the board. An incomplete or defective application will be returned to the applicant, and may be completed or corrected and resubmitted at any time.

(b) The board will decide whether to grant or deny an application within a reasonable period of time after the complete correct application has been received by the board. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)

12 AAC 52.445. CERTIFICATE OF REGISTRATION. (a) Successful applicants will receive a certificate of registration. The certificate of registration will include

(1) the name, address, and registration number of the registrant;

(2) the activity authorized by the registration;

(3) the schedules of the controlled substances which the registrant is authorized to handle;

(4) the amount of the fee paid, and

(5) the expiration date of the registration.

(b) The registrant shall display the certificate of registration in a prominent place at the registrant's place of business and shall permit inspection of the certificate by any official, agent, or employee of a federal, state, or local, agency engaged in enforcement of laws relating to controlled substances. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (a)

12 AAC 52.450. TERMINATION OF REGISTRATION. A registration terminates when the registrant dies, ceases legal existence, or discontinues business or professional practice. A registrant who ceases legal existence or discontinues business or professional practice shall notify the board promptly of that fact. (Eff. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a) and (b)

12 AAC 52.455. SURRENDER OF REVOKED OR SUSPENDED CERTIFICATE OF REGISTRATION. (a) Upon service of an order of the board suspending or revoking a registration, a registrant shall immediately deliver the state certificate of registration to the board and shall deliver all controlled substances and order forms in his or her possession to the nearest office of the Department of Public Safety, or to the authorized agents of the U.S. Drug Enforcement Administration, or to an authorized municipal law enforcement agency designated by the commissioner of public safety, as instructed by the board.

(b) If revocation or suspension is limited to a particular controlled substance or substances, the registrant will be given a new certificate or registration for all substances not affected by the revocation or suspension. No fee will be required for the new certificate of registration. The registrant shall deliver to the board the old certificate of registration and, if appropriate, any order forms in his or her possession. All controlled substances affected by the revocation or suspension must be surrendered as provided by (a) of this section. (SSS. 12/30/84, Reg. 92)

Authority: AS 17.30.010
AS 17.30.020(a)
AS 17.30.030
AS 17.30.040(b) and (c)
AS 17.30.050(c)

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

ARTICLE 6

MARIJUANA THERAPEUTIC RESEARCH PROGRAM

Section

- 610. Application for appointment to committee
- 620. Terms of committee members
- 630. Action by the committee

12 AAC 52.610. APPLICATION FOR APPOINTMENT TO COMMITTEE. (a) The board will prepare and mail application forms to practitioners who request appointment to the patient qualification review committee. All applications for appointment must be submitted to the Board of Pharmacy, Pouch D, Juneau, Alaska 99811.

(b) All applications will be reviewed by the board. The board will, in its discretion, verify the qualifications of applicants and will, on its own motion, invite a practitioner to apply for appointment to the committee.

Register 91, 1988 PROFESSIONAL AND VOCATIONAL 12 AAC 52.530
REGULATIONS

(b) A patient's involvement in the therapeutic research program is certified if it is approved by a majority of the members in a meeting at which a quorum is present. Where an even number of members are present, the chairman or acting chairman may not vote except to break a tie.

(c) The committee shall administer procedures established by the board under AS 17.35.040(b). (Eff. 12/30/84, Reg. 92)

Authority: AS 17.35.020(a)
AS 17.35.030(a) and (c)
AS 17.35.040(b)

January 3, 1984

C. J. Sternlagen, M.D.
Cancer Treatment Center
Providence Hospital
3200 Providence Drive
Anchorage, Alaska 99504

Dear Dr. Sternlagen:

Re: Patient Qualification Review Committee

Enclosed for your perusal are copies of Alaska Statute Title 17, Chapter 35 and the regulations 12 AAC 52, Chapter 6, titled "Marijuana Therapeutic Research Program."

The regulations became effective on December 30, 1984.

The Alaska Board of Pharmacy should meet with your committee in the near future to set guidelines and adopt further regulations to comply with the various sections in the statutes. (Ex. AS 17.35.020(a), AS 17.35.020(c), AS 17.35.030(e) and AS 17.35.040(b))

This correspondence is to advise you the division is your administrative support, with offices in Anchorage and Juneau. We have one staff person, Ms. Barbara Branson, who works with the general pharmacy licensing function in Juneau. There are also other staff resources to assist you when the needs arise, such as a regulation specialist. I would request you review the statutory authority (AS 17.35) and formulate some thoughts and ideas as to how you would accomplish your committee's work. There are some legislative guidelines, such as confidentiality, which must be adhered to. We are here to assist you in starting the program.

If you have any questions regarding the governmental involvement, feel free to contact me. I look forward to meeting and working with you in the near future.

Sincerely,

Harry D. Treager
Director

HDT/mst1256&7m
010284a

Enclosures

cc: Margaret Soden, Pharmacy Board

January 3, 1984

Kenneth T. Richardson, M.D.
542 West 2nd Avenue
Anchorage, Alaska 99501

Dear Dr. Richardson:

Re: Patient Qualification Review Committee

Enclosed for your perusal are copies of Alaska Statute Title 17, Chapter 35 and the regulations 12 AAC 52, Chapter 6, titled "Marijuana Therapeutic Research Program."

The regulations became effective on December 30, 1984.

The Alaska Board of Pharmacy should meet with your committee in the near future to set guidelines and adopt further regulations to comply with the various sections in the statutes. (Ex. AS 17.35.020(a), AS 17.35.020(c), AS 17.35.030(a) and AS 17.35.040(b))

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Sincerely,

Harry D. Treager
Director

HDT/mst1256&7m
010284a
Enclosures
cc: Margaret Soden, Pharmacy Board

January 3, 1984

David H. Williams, M.D.
Anchorage Community Health Center
3944 Spenard Road
Anchorage, Alaska 99503

Dear Dr. Williams:

Re: Patient Qualification Review Committee

Enclosed for your perusal are copies of Alaska Statute Title 17, Chapter 35 and the regulations 12 AAC 52, Chapter 6, titled "Marijuana Therapeutic Research Program."

The regulations became effective on December 30, 1984.

The Alaska Board of Pharmacy should meet with your committee in the near future to set guidelines and adopt further regulations to comply with the various sections in the statutes. (Ex. AS 17.35.020(a), AS 17.35.020(c), AS 17.35.030(e) and AS 17.35.040(b))

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If you have any questions regarding the governmental involvement, feel free to contact me. I look forward to meeting and working with you in the near future.

Sincerely,

Harry D. Treager
Director

HOT/mst1256&7m
010284a
Enclosures
cc: Margaret Soden, Pharmacy Board

January 3, 1984

Thomas L. Conley, M.D.
3615 Tongass
Ketchikan, Alaska 99901

Dear Dr. Conley:

Re: Patient Qualification Review Committee

Enclosed for your perusal are copies of Alaska Statute Title 17, Chapter 35 and the regulations 12 AAC 52, Chapter 6, titled "Marijuana Therapeutic Research Program."

The regulations became effective on December 30, 1984.

The Alaska Board of Pharmacy should meet with your committee in the near future to set guidelines and adopt further regulations to comply with the various sections in the statutes. (Ex. AS 17.35.020(a), AS 17.35.020(c), AS 17.35.030(e) and AS 17.35.040(b))

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If you have any questions regarding the governmental involvement, feel free to contact me. I look forward to meeting and working with you in the near future.

Sincerely,

Harry D. Treager
Director

HDT/mst1256&7m
010294a
Enclosures
cc: Margaret Soden, Pharmacy Board

Aloys J. Daack, M. D.

Physician and Surgeon

Chicken, Alaska

July 22, 1983

TO: Richard A. Lyon, Commissioner
State of Alaska
Department of Commerce and
Economic Development
Board of Pharmacy
Office of the Commissioner
Pouch D
Juneau, AK 99811-0600

FROM: Dr. Aloys J. Daack, M.D.
No: AA 00497
Chicken, Alaska

Dear Mr. Lyon:

I have your State of Alaska public notice before me. Such is quite confusing.

I do not have all the articles, sections, and amendments that are mentioned in this long two page brief.

The main question that I would ask of you, how does it affect me as a practicing physician.

Sincerely submitted,

Aloys J. Daack, M.D.

AJD:mr

cc: file

RECEIVED
JUL 29 1983

DIV. OF OCCUPATIONAL LICENSING
ANCHORAGE FIELD OFFICE

LICE
PHARMACEUTICAL MANUFACTURERS

Association

CHARLES R. GEEZLAK, Ph. D.
MANAGER OF ISSUE DEVELOPMENT &
REGIONAL DIRECTOR
STATE GOVERNMENT RELATIONS

100 FIFTEENTH STREET, N.W.
WASHINGTON, D. C. 20005
AREA CODE 202 338-3523
CABLE PHARM, WASHINGTON, D. C.
REG. NO. 06220494-204454

September 26, 1983

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

Re: Proposed Changes in Regulations Regarding
Controlled Substances/Title 12, Alaska
Administrative Code, Chapter 51.

Dear Sirs:

The Pharmaceutical Manufacturers Association (PMA), representing 140 companies engaged in the research and development of prescription drugs, appreciates the opportunity to offer the following comments regarding the recent regulatory proposals by the Board of Pharmacy.

PMA recognizes the important public purpose served by Alaska's controlled substances statute, which is patterned after the Uniform Controlled Substances Act, and the regulations that are being proposed to implement this law. At the same time, we would hope that these regulations would be interpreted in such a manner by the Board of Pharmacy so as not to inhibit the legitimate activities of interstate pharmaceutical manufacturers. Specifically, we believe that the Alaska Controlled Substances Act and the proposed regulations do not require registration of out-of-state manufacturers, or their sales representatives, and should not be interpreted to require such registration.

Regarding the issue of registration of company sales representatives, it is significant that the federal Controlled Substances Act does not require company representatives who handle drugs to register individually so long as they are employees of federally registered manufacturers. Moreover, the Uniform Controlled Substances Act contains the advisory comment that registration of manufacturers' agents "would be extremely burdensome and afford little increase in protection against diversion." State registration of company representatives would

not provide any useful information that is not already available from drug manufacturers, who are required by the federal Drug Enforcement Administration to keep detailed records concerning controlled substances. Additional state registration of sales representatives would therefore be unnecessary, as well as costly to the State of Alaska to implement. Most importantly, we also note that Section 17.30.020(c) of the Alaska Controlled Substances Act specifically exempts "agents" of registered manufacturers from registration.

The second issue of concern to PMA is the possible interpretation of the proposed rules to require registration of out-of-state manufacturers, which we do not believe is necessary or desirable under these proposed regulations. The Alaska statute authorizing the Board to promulgate these regulations does in fact specify in Section 17.30.020(a) that persons who manufacture "in the state" are required to register, thereby implying that out-of-state manufacturers are not subject to this requirement.

While PMA does not oppose the registration of drug manufacturers located in the state, we do oppose proposals that would require out-of-state manufacturers to be registered, when their activities are limited mainly to taking orders in the state and shipping their products to purchasers. Individual state registration requirements for such activities would serve no demonstrable public purpose. The federal Food, Drug and Cosmetic Act already imposes strict registration requirements on interstate manufacturers of drugs and medical devices. These registration requirements assure accountability and responsibility. In addition, for manufacturers of controlled substances, even more accountability is required by the federal Drug Enforcement Administration (DEA), including detailed records of all transactions involving Schedule I, II and III controlled substance drugs. Such information is regularly made available by DEA to various state agencies.

For the above reasons, PMA requests that the Board of Pharmacy, in interpreting the proposed regulations, refrain from taking such action that might require the registration of either manufacturer sales representatives or out-of-state companies. We believe that such registration requirements would be contrary to the language included in the Alaska Controlled Substances Act, and would be unnecessary as well as duplicative of federal requirements.

We would appreciate your consideration of these comments in interpreting the proposed regulations of the Board of Pharmacy. In recognition of the important role played by the Board in carrying out the requirements of the Controlled Substances Act, I also would like to express our readiness to provide whatever assistance we can in this regard.

Sincerely,

Charles R. Grezlak

Charles R. Grezlak



Aurora Animal Clinic
1651 College Road
Fairbanks, Alaska 99701
(907)452-6055

Dear Dept. of Commerce -

I am writing this letter to express my
opposition to the proposed changes in the Board
of Pharmacy Regulations - Article 5.

These proposed changes needlessly duplicate
existing Federal Regulations and the bureaucratic
structure required to implement and enforce the
changes cannot be justified for the State of
Alaska at this time.

I feel that the legislature is asking the
Board of Pharmacy to create a bureaucratic
mess.

Thanks for listening

Interior Alaska Veterinary Medical Association

800 Collage Road

FAIRBANKS, ALASKA
99701

September 27, 1983

Department of Commerce
Division of Occupational Licensing
Board of Pharmacy-Regulations
Century Plaza
142-E 3rd Ave.
Anchorage, Alaska. 99501

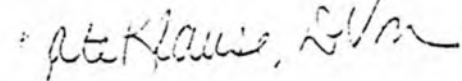
To Whom It May Concern:

On behalf of the Interior Veterinary Medical Association, I would like to express our opposition to the proposed legislation requiring Alaska licensed practitioners to register and pay State fees for the verifications of their DEA registration.

We feel the additional paperwork an unnecessary burden for the State, and that the registration/revenue only duplicates our federal registration and federal fee payment.

Please consider the proposal a duplication of responsibility that we have already satisfied on the federal level and delate it from the statutes.

Sincerely,



Kate Klause, D.V.M.
President IVMA

KK/mj

Russell A. Lee, DVM

9-23-83



Aurora Animal Clinic
1651 College Road
Fairbanks, Alaska 99701
(907)452-6055

To Whom it May Concern:

In reference to the proposal to require a state licensure of persons handling controlled substances, I feel that it is a duplication of the program already being conducted by the U.S. Drug Enforcement Administration. This would be unnecessary and would only cost the taxpayer, the state, and the individuals concerned ~~and~~ additional money and time both in setting up the program and in operating it on a yearly basis. In this time of austerity, this type of program only adds an already inefficient bureaucracy and is totally unnecessary in my opinion.

Respectfully,

Russell A. Lee, DVM



Aurora Animal Clinic
1651 College Road
Fairbanks, Alaska 99701
(907)452-6055

Attn: Dr. Lethin

28 September 1983

To Whom It May Concern,

This letter is written in reference to the proposed requirement for the state pharmacy board to register all persons handling controlled substances. As a licensed veterinarian, I feel this to be a wasteful duplication of effort since federal law already requires, supervises and controls such registration. I can honestly see no real benefit to such a requirement and consider the time spent both on the part of the administrators and the applicants to be not only an exercise in futility but also a great waste of the taxpayer's money. I am wholeheartedly against the implementation of this needless duplication of effort and earnestly hope that this proposal, to me just another example of bureaucratic regulation, not be adopted.

Sincerely,

William Cook, DVM, J.D. V.M.C.

Ketchikan Medical Clinic, Inc.

3612 TONGASS
KETCHIKAN, ALASKA 99901

H.J. Hennickson, M.D.
D.E. Johnson, M.D.
T.L. Conley, M.D.
M.E. Bloom, M.D.

Phone 225-5144
Phone 225-5145

December 19, 1963

Board of Pharmacy
Occupational Licensing Division
Dept. of Commerce & Economic Development
Pouch D
Juneau, Alaska 99811

Gentlemen:

At its regular meeting on the 6th and 9th of December, 1963, the State Medical Board considered at some length the proposed changes to 12AAC 52. In question were the proposed additions of Chapter 5 on controlled substance registration and Chapter 6 on the marijuana therapeutic research program. The Medical Board has directed me to communicate its comments to you.

In regard to the proposed addition of Chapter 5 on registration for the use and distribution of controlled substances, the State Medical Board concluded that this program serves no useful purpose. It is noted that the federal government already has a program for this purpose in place. Formation of a State program to perform the same function simply adds another level of bureaucracy that benefits no one as far as we can see. We would also remark that within its own frame of reference, the program is deficient in the sense that it does not provide for registration of temporary medical personnel and those holding locum tenes licenses. Since these license holders provide a significant proportion of the medical care in Alaska, failure to include them within the program creates chaos.

An additional consideration is the fact that the program proposed will add additional expense at a time when the Department's budget is being cut back both in absolute terms and by inflation. To spend money on a program that serves no discernable function seems doubly undesirable at this time.

Our feelings about Chapter 6 of the proposed regulations, the formation of a marijuana therapeutic research program are a bit more complicated. We recognize the need to provide some sort of a mechanism to insure the availability of the substance in question to practitioners who are treating patients with malignancies as they undergo chemotherapy and perhaps patients with glaucoma. Presently, short sided federal regulations make this at least difficult. The obvious solution to the problem is of course to make the substance available on prescription like any other controlled

Board of Pharmacy
December 19, 1963
Page Two

substance. Surely, if physicians are given authority to prescribe narcotics which have enormous potential for abuse, they should be given the authority to prescribe marijuana and its derivatives which have considerably less potential for abuse, at least within the medical setting. That of course is a whole philosophical discussion with numerous social ramifications that we do not wish to get into at this time. Nonetheless, the program envisioned by Chapter 6 does not seem to be a particularly rational solution to the problem either.

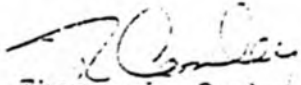
In talking to physicians in other parts of the country who are dealing with programs such as the present law envisions, one comes to the inescapable conclusion that the law would tend to substitute one form of illegal behavior for another. At the present time, physicians treating individuals with malignancies who wish to prescribe marijuana and its derivatives usually indicate to the patient that they should acquire the material on their own. Granted, this is illegal, but it is at least practical. The system that the law proposes would set up a board that would have to pass on each individual case. Considering the nature of bureaucracy and the infrequency with which the board could meet to consider each individual case, it is likely that physicians will be induced to request permission for the use of the substance for patient A with the full knowledge that when the permission and the drug finally become available, they will administer it to patient B because patient A is either finished with his or her course of therapy or has already expired. In talking to physicians in other parts of the country, this is indeed exactly what happens. One could perhaps argue that this is less of a deception than simply advising the patient to acquire his or her own supply of the substance in question but substituting one illegality for another hardly seems like a reasonable course for the State to espouse. The answer thus does not seem to lie at a State level but rather would seem to lie at the federal level. We would therefore feel that getting involved in this matter on a State level is at least inadvisable. Additionally, the arguments relative to the expenditure of funds at a time when State revenues are declining both in real dollars and by inflation would apply to this program too.

The State Medical Board realizes that the Pharmacy Board is in a difficult position in regard to both of these programs. You have been directed by the legislature, as a result of recent enactments of law to go in this direction. We realize that you have relatively little discretion in the matter. It would therefore be our proposal to inform the legislature and the Governor's office of our feelings in the matter with the recommendation that the legislature either not vote funding for either of these programs or that when the funding proposals come to the Governor's office, he line item veto the expenditures.

We realize that this is a fairly unusual response to your proposed regulations, but feel that it is the only rational one available at the present time. We will look forward to further discussion of this matter at the joint meeting of the boards of Nursing, Pharmacy and Medicine in Juneau in February of 1964.

Board of Pharmacy
December 19, 1963
Page Three

Sincerely,



Thomas L. Conley, M.D.
Secretary
Alaska State Board of Medicine

TLC:dp

cc: Jeffrey A. Partnow, M.D.
Hugh Gellert, Chairman
George C. Brenneman, M.D.
Thomas Kinsella
George S. Ryneer, M.D.
Office of the Management of the Budget
Governor's Office

Ketchikan Medical Clinic, Inc.

3612 TONGASS
KETCHIKAN, ALASKA 99901

H.J. Hennickson, M.D.
D.E. Johnson, M.D.
T.L. Conley, M.D.
M.E. Bloom, M.D.

RECEIVED

JAN 11 - Phone 225-5144
Phone 225-5145

OFFICE OF THE
COMMISSIONER

RECEIVED
DEC 27 1983

TO Office of the Governor
Office of the Management of the Budget

FROM Alaska State Medical Board

DATE December 21, 1983

RE Proposed Regulatory Changes

GOVERNOR'S OFFICE

Enclosed is a letter from the Alaska State Medical Board to the Alaska State Board of Pharmacy. It discusses proposed regulatory changes to 12 AAC 52. Copies of our comments are forwarded to you because we have a rather unusual proposal for these regulations.

At the last meeting of the Alaska State Medical Board, we heard from Commissioner Lyon relative to budgetary limitations during the coming fiscal year. As we understand it, the budget for occupational licensing will actually be reduced slightly at a time when inflation and increasing responsibilities make it very difficult to insure that ends meet. In this regard, we have significant problems with the proposed action envisioned by 12 AAC 52. It envisions the formation of programs that, as far as we can see, serve no useful function. In addition to serving no useful function, they will further drain the treasury at a time when this can be ill afforded.

Unfortunately, enactments of law during the last legislative session, namely the omnibus drug bills, have more or less mandated the programs that are envisioned in the regulatory changes. Again, we would stress they have little or no relevance to Alaska and attempt to attack on a State level, problems which basically are national rather than local problems. The registration requirement for the dispensing of a controlled substance is a particularly redundant and to most physicians repugnant act on the part of the State government. It also seems, at least in the regulations, to be very poorly conceived.

That being the case, it has been our proposal that for both practical reasons and for reasons of economy, these programs not go into effect. Since they are on the books, there seems to be little that can be done about them at the present time other than not funding them. We would

Fairbanks Alternative
Placement Center

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Parole
Re-Entry

KILA, Inc.

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Integrated and Coordinated
Human Services*

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Fairbanks, Alaska 99701-5549
(907) 452-5972

Fairbanks Substance
Abuse Center

Education
Outreach
Prevention
Training
Treatment

December 26, 1983

Darrel Miller
Regulations Specialist
Department of Commerce & Economic Development
Pouch D
Juneau, Alaska 99811

Dear Mr. Miller,

I just recently came into possession of the proposed regulations promulgated by the Board of Pharmacy (as required by AS 17.30.010 as passed under SB 190).

I have no overwhelming opposition to the proposed regulations developing, but I do need to ask why it only costs \$5/year to get registered with the feds and \$10/year to get registered with the State of Alaska? Why is registration with the State deemed desirable? Why not just get a listing of those registered with the feds from the feds? I am concerned only because the need for such registration evades my reading of the proposed regulations. Section 12 AAC 82.415 (6) is already covered under federal law and regulations; why does the state need to engage in such realms?

I would suggest that programs falling under the jurisdiction of the federal government's agencies (FDA and/or DEA) be exempted from having to secure a state license also. Why does the Board of Pharmacy want jurisdiction over programs it has succeeded in ignoring for the past 10+ years? The program to include us under the Board of Pharmacy is wasteful and of questionable value. Most important: Why is the Board committed to the growth of some state bureaucracy when the issues are already well covered by the federal government's bureaucracy?

Thank you for the opportunity to respond to the proposed regulations. It is indicative of the genuine interest in programs such as ours that the proposed regulations only just now arrived in this office--and then from an agency other than the Board of Pharmacy.

CTS #4167320

KILA, Inc.

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Placement Center

Fairbanks Substance
Abuse Center

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Re-Entry

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Human Services*

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Prevention
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3098 Airport Way
Fairbanks, Alaska 99701-5599
(907) 452-5972

June 12, 1984

RECEIVED
JUN 14 1984

Governor Bill Sheffield
Pouch A
Juneau, Alaska 99811

GOVERNOR'S OFFICE

Dear Governor Sheffield,

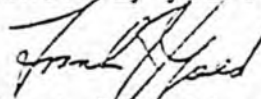
Attached find copies of the correspondence between this office and the Division of Occupational Licensing regarding the proposed regulations to be implemented by the Board of Pharmacy.

Note that we are not opposed to registration, but we are opposed to multiple registration. At this time, the Fairbanks Substance Abuse Center is registered with the US Food & Drug Administration, the US Drug Enforcement Administration, and the Alaska Office of Alcoholism & Drug Abuse. A fourth agency is not perceived as particularly welcome. More important, each of these agencies sees fit to come through the program and examine the dispensing records, the patient files, etc. To be very direct about this issue, we are not impressed with having to set aside still more time to deal with visitors who are coming to check what has already been checked by another visitor!

We are requesting that the regulations be modified to exempt certain agencies, like the Fairbanks Substance Abuse Center, who already are multiply registered. The examinations can be secured by the Board of Pharmacy (if they so desire) from each of our current examiners--and the state can save many dollars by not engaging in a quadruplication of effort.

Thank you for considering our view.

Sincerely yours,



Frank J. Gold, EdD
Executive Director & Staff Psychologist

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Ketchikan Medical Clinic, Inc.

3612 TONGASS
KETCHIKAN, ALASKA 99901

H.J. Hennickson, M.D.
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Office of the Management of the Budget

FROM Alaska State Medical Board

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