

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF PHARMACY

**BRIEF DESCRIPTION:** The Board of Pharmacy proposes to update regulations regarding its qualifications and requirements to apply for an emergency permit and renewal application requirements for pharmacists, pharmacy technicians, pharmacies, outsourcing facilities, wholesale drug distributors, and third-party logistics providers. It also proposes to repeal the emergency courtesy license, update duties of its executive administrator as it relates to renewal application processing, and establish temporary courtesy licenses for an active duty military member or their spouse.

The Board of Pharmacy (Board) proposes to adopt regulation changes in Title 12, Chapter 52 of the Alaska Administrative Code including the following:

1. **12 AAC 52.105. Temporary military courtesy licenses**, is a proposed new section that establishes temporary courtesy licenses for an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a pharmacist, pharmacy intern, or pharmacy technician. The proposed regulations will allow for an expedited temporary licensing pathway for those in the military and their spouse.
2. **12 AAC 52.110. Emergency permit to practice as a pharmacist, pharmacy intern, or pharmacy technician**, is proposed to amend the emergency permit language as the intent was duplicative to the emergency courtesy license option.
3. **12 AAC 52.300. License renewal**, is proposed to update language to be all inclusive of pharmacy license and registration types; clarifies renewal must be on department form; replaces copy of inspection report for pharmacies or facilities with an attestation; clarifies eligibility for renewal or new application required if there is a change; and adds administrative and executive administrator processing language.
4. **12 AAC 52.993. Executive administrator**, is proposed to amend the executive administrator's duties by adding the ability to review and approve licenses or registrations as long as the applicant meets the requirements of the established checklist as codified in the regulations; clarifies role of executive administrator; creates efficiencies by allowing task delegation of the board to staff.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/205318>, and using the comment link. **The comments must be received not later than 4:30 p.m. on March 8, 2022.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofPharmacy.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this

process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than March 1, 2022 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/PHA-0222.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.01.062; AS 08.01.063; AS 08.01.100; AS 08.80.005; AS 08.80.030; AS 08.80.147; AS 08.80.150; AS 08.80.155; AS 08.80.157; AS 08.80.165; AS 08.80.261; AS 08.80.270

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.062; AS 08.01.063; AS 08.01.100; AS 08.80.005; AS 08.80.030; AS 08.80.147; AS 08.80.150; AS 08.80.155; AS 08.80.157; AS 08.80.165; AS 08.80.261; AS 08.80.270

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2/2/2022

/s/  
Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

## ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. **Adopting agency:** Board of Pharmacy – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Temporary military courtesy licenses, emergency permit, license renewal, and executive administrator.
3. **Citation of regulation:** 12 AAC 52.105, 12 AAC 52.110, 12 AAC 52.300, and 12 AAC 52.993.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and to implement statutory changes made under Sections 1 and 2, Chapter 29, SLA 2021 (SB 21).
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: \$100 application fee and \$100 temporary military courtesy license fee.  
Another state agency: None known.  
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2022 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Laura Carrillo, Executive Administrator  
Alaska Board of Pharmacy  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-1073  
E-mail: [laura.carrillo@alaska.gov](mailto:laura.carrillo@alaska.gov)
10. **The origin of the proposed action:** Board of Pharmacy.
11. **Date:** 2/2/2022      **Prepared by:** \_\_\_\_\_ /s/  
Jun Maiquis  
Regulations Specialist

**Chapter 52. Board of Pharmacy.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

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

**12 AAC 52.105. Temporary military courtesy licenses.** (a) The board shall issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a pharmacist, pharmacy intern, or pharmacy technician who meets the requirements of AS 08.01.063 and this section within 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section must

(1) submit a completed application on a form provided by the department;

(2) pay the temporary license application and license fees set out under

12 AAC 02.105;

(3) submit a copy of the applicant's military identification or military dependent identification card and a copy of current active duty military orders showing assignment to a duty station in this state;

(4) submit verification on a form provided by the department that the applicant is currently licensed in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements; and

(5) not have been convicted of a felony or another crime that affects the applicant's ability to practice as a pharmacist, pharmacy intern, or pharmacy technician competently and safely.

(c) A temporary military courtesy license to active duty military personnel or spouse of

military personnel under this section will be issued for a period of 180 days and may be renewed for one additional period specified by the board, not to exceed 180 days.

(d) For an applicant applying for licensure under this section as a pharmacy technician, the board will accept as substantially equivalent any training completed while in the United States armed forces to work as a pharmacy technician or any technician license issued by another jurisdiction.

(e) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

(f) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261. (Eff.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	AS 08.01.062	AS 08.80.005	AS 08.80.150
	AS 08.01.063	AS 08.80.030	AS 08.80.261

12 AAC 52.110 is amended to read:

**12 AAC 52.110. Emergency permit [LICENSURE] to practice as a pharmacist, pharmacy intern, or pharmacy technician. (a) An emergency permit may be issued to practice as a pharmacist, pharmacy intern, or pharmacy technician in an urgent situation as determined by the board if the applicant [IF THE BOARD DETERMINES THAT AN EMERGENCY EXISTS REQUIRING THE PROVISION OF LICENSED COVERAGE IN A PHARMACY THAT IS TEMPORARILY WITHOUT THE SERVICES OF A PHARMACIST DUE TO DEATH, ILLNESS, OR OTHER EMERGENCY CIRCUMSTANCES, THE BOARD MAY ISSUE AN EMERGENCY PHARMACIST, PHARMACY INTERN, OR PHARMACY**

TECHNICIAN PERMIT TO AN APPLICANT WHO]

- (1) submits a completed application on a form provided by the department;
- (2) pays the emergency permit fee required in 12 AAC 02.310;
- (3) submits verification on a form provided by the department that the applicant is currently licensed in another licensing jurisdiction and the applicant's license in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements;
- (4) repealed 10/31/2019; and
- (5) has not been convicted of a felony or another crime that affects the applicant's ability to practice pharmacy competently and safely.

(b) An emergency permit [UNDER (a) OF THIS SECTION] is nonrenewable, and is valid for **120 consecutive** [90] days or until the **urgent situation is determined by the board to** [EMERGENCY CIRCUMSTANCES] no longer exist, whichever is **sooner** [SHORTER].

(c) Repealed 11/19/2020.

(d) **Repealed** / / \_\_\_\_\_ [IN AN URGENT SITUATION, THE BOARD MAY ISSUE AN EMERGENCY COURTESY LICENSE TO PRACTICE AS A PHARMACIST, PHARMACY INTERN, OR PHARMACY TECHNICIAN TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION. THE BOARD MAY RESTRICT THE LICENSE TO ONLY THOSE SERVICES REQUIRED TO RESPOND TO THE URGENT SITUATION. THE LICENSEE MAY NOT PRACTICE AS A PHARMACIST, PHARMACY INTERN, OR PHARMACY TECHNICIAN OUTSIDE THE SCOPE OF THE LIMITED PURPOSE FOR WHICH THE EMERGENCY COURTESY LICENSE IS ISSUED].

(e) **Repealed** / / \_\_\_\_\_ [AN APPLICANT FOR AN EMERGENCY COURTESY LICENSE UNDER THIS SECTION MUST SUBMIT TO THE DEPARTMENT A

COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT. A COMPLETE APPLICATION INCLUDES THE APPLICABLE APPLICATION AND LICENSING FEES ESTABLISHED IN 12 AAC 02.105].

(f) **Repealed** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ [AN EMERGENCY COURTESY LICENSE ISSUED UNDER THIS SECTION IS VALID FOR THE PERIOD SPECIFIED BY THE BOARD AND MAY NOT EXCEED 120 CONSECUTIVE DAYS. AN EMERGENCY COURTESY LICENSE MAY BE RENEWED FOR ONE ADDITIONAL PERIOD SPECIFIED BY THE BOARD, NOT TO EXCEED 120 CONSECUTIVE DAYS].

(g) The board will not issue, and an emergency **permit** [COURTESY LICENSE] holder may not use, an emergency **permit** [COURTESY LICENSE] as a substitute for a temporary license or other license required under AS 08.80.

(h) While practicing under an emergency **permit** [COURTESY LICENSE ISSUED UNDER THIS SECTION], the holder of the emergency courtesy license must comply with the standards of practice set out in AS 08.80 and this chapter.

(i) The board may refuse to issue an emergency **permit** [COURTESY LICENSE] for the same reasons that it may deny, suspend, or revoke a license under AS 08.80.261.

(j) In this section, "urgent situation" means a health crisis requiring an increased availability of pharmacists, pharmacy interns, [.] or pharmacy technicians. (Eff. 1/16/98, Register 145; am 1/17/2007, Register 181; am 8/12/2007, Register 183; am 10/31/2019, Register 232; am 11/19/2020, Register 236; am \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.155

12 AAC 52.300 is amended to read:

**12 AAC 52.300. License renewal.** (a) Pharmacy, wholesale drug distributor,

**outsourcing facility, third-party logistics provider,** and drug room licenses expire on June 30 of even-numbered years.

(b) An applicant for renewal of a pharmacy, wholesale drug distributor, **outsourcing facility, third-party logistics provider,** or drug room license **must** [SHALL] submit **on or before the license expiration date**

(1) a completed renewal application **on a form provided by the department;**

(2) the license renewal fees required in 12 AAC 02.310; and

(3) **an attestation that** a [COMPLETED] self-inspection of the premises **using the [QUESTIONNAIRE ON A] form provided by the department was completed within the last two years or since the last time the license or registration was initially issued. The self-inspection must be retained, and available upon request, for the duration of the licensing period in which it was completed.**

(c) An applicant for renewal of a pharmacist or pharmacy technician license shall submit on or before the license expiration date

(1) a completed renewal application **on a form provided by the department;**

(2) the license renewal fees required in 12 AAC 02.310; and

(3) an attestation that the applicant has met all continuing education requirements of 12 AAC 52.320 – 12 AAC 52.350;

(4) repealed 4/3/2020.

**(d) A pharmacy that has changed its name, physical address, or ownership since the date it was first issued or last renewed is not eligible for renewal.**

**(e) A wholesale drug distributor that has changed its name, physical address, ownership, or facility manager is not eligible for renewal if the change occurred 30 days after the date a renewal application is submitted to the board.**



**(f) An outsourcing facility or third-party logistics provider that has changed its name, physical address, ownership, or facility manager is not eligible for renewal.**

**(g) All renewal applications will be administratively processed and will not require board review unless the executive administrator has reason to believe that renewing the license poses an immediate threat to public health or safety.** (Eff. 1/16/98, Register 145; am 2/26/2000, Register 153; am 5/5/2000, Register 154; am 5/26/2006, Register 178; am 4/3/2020, Register 234; am 8/30/2020, Register 235; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.100                      AS 08.80.030                      AS 08.80.157  
AS 08.80.005                      AS 08.80.147                      AS 08.80.165

12 AAC 52.993 is amended to read:

**12 AAC 52.993. Executive administrator.** The executive administrator may

- (1) review and approve continuing education competency audits; audits that are not in compliance must be reviewed by a board member;
- (2) attend state or national meetings or conferences on behalf of the board;
- (3) work with the National Association of Boards of Pharmacy (NABP) on behalf of the board;
- (4) work with the board chair and vice-chair in evaluation of questions posed to the board regarding AS 08.80 or 12 AAC 52;
- (5) work with regulations specialist to draft and make regulatory amendment recommendations to 12 AAC 52 to the board;

**(6) review and approve applications for licensure or registration as long as the applicant meets the requirements established for the license type for which they are applying.** (Eff. 10/31/2019, Register 232; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

Register \_\_\_\_\_, \_\_\_\_\_ 2022 **PROFESSIONAL REGULATIONS**

**Authority:** AS 08.80.005 AS 08.80.030 AS 08.80.270