



PRESCRIPTION MONITORING PROGRAM STATE PROFILES – ALASKA

Research current through July 2014.

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ALASKA

<http://alaskapdmp.com>

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- Status of Program – operational
- Housing Entity – Board of Pharmacy
- Advisory Commission – no
- Funding – federal grants; Board is to notify legislature if the federal government fails to pay all or part of the operating costs
- Drugs Monitored – Schedules I - V
- Who's Required to Report Dispensing Information – pharmacist-in-charge of each licensed or registered pharmacy, pharmacist under the supervision of the pharmacist-in-charge, each practitioner who directly dispenses
- Exemptions from Reporting – controlled substances administered to a patient at a health care facility
- Nonresident Pharmacies Required to Report – yes
- Veterinarians Required to Report – yes
- Data Collection Interval – monthly
- Notice to Consumers – no
- Interstate Sharing – authorized users in other states
- Persons Authorized to Receive Information – practitioner; pharmacist; patient; patient's authorized agent; parent or legal guardian of patient; personnel of the Board of Pharmacy; personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or administrative order; federal, state, and local law enforcement with a search warrant, subpoena, or order establishing probable cause
- Delegates Allowed – no
- De-identified Data Provided – no
- Unsolicited Reports – to prescribers, pharmacists, law enforcement, and licensing entities
- Training Required – no
- Mandatory Enrollment – no
- Mandatory Access - no

West's Alaska Statutes Annotated (2014)
Title 17. Food and Drugs
Chapter 30. Controlled Substances
Article 5. Controlled Substance Prescription Database

§ 17.30.200. Controlled substance prescription database

(a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law dispensed in the state to a person other than those administered to a patient at a health care facility. The Department of Commerce, Community, and Economic Development shall assist the board and provide necessary staff and equipment to implement this section.

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law other than those administered to a patient at a health care facility, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database:

- (1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;
- (2) the date of the prescription;
- (3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;
- (4) the name, address, and date of birth of the person for whom the prescription was written;
- (5) the name and national drug code of the controlled substance;
- (6) the quantity and strength of the controlled substance dispensed;
- (7) the name of the drug outlet dispensing the controlled substance; and
- (8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

(c) The board shall maintain the database in an electronic file or by other means established by the board to facilitate use of the database for identification of

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- (1) prescribing practices and patterns of prescribing and dispensing controlled substances;
- (2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;
- (3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and
- (4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

(d) The database and the information contained within the database are confidential, are not public records, and are not subject to public disclosure. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the database only to the following persons, and in accordance with the limitations provided and regulations of the board:

- (1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;
- (2) authorized board personnel or contractors as required for operational and review purposes;
- (3) a licensed practitioner having authority to prescribe controlled substances, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance;
- (4) a licensed or registered pharmacist having authority to dispense controlled substances, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance;
- (5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant, subpoena, or order issued by a court establishing probable cause for the access and use of the information; and
- (6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed \$10.

(e) The failure of a pharmacist-in-charge, pharmacist, or practitioner to submit information to the database as required under this section is grounds for the board to take disciplinary action against

the license or registration of the pharmacy or pharmacist or for another licensing board to take disciplinary action against a practitioner.

(f) The board may enter into agreements with (1) dispensers in this state that are not regulated by the state to submit information to and access information in the database, and (2) practitioners in this state to access information in the database, subject to this section and the regulations of the board. The board shall prohibit a dispenser that is not regulated by the state from accessing the database if the dispenser has accessed information in the database contrary to the limitations of this section, discloses information in the database contrary to the limitations of this section, or allows unauthorized persons access to the database.

(g) The board shall promptly notify the president of the senate and the speaker of the house of representatives if, at any time after September 7, 2008, the federal government fails to pay all or part of the costs of the controlled substance prescription database.

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Nothing in this section requires or obligates a dispenser or practitioner to access or check the database before dispensing, prescribing, or administering a medication, or providing medical care to a person. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

(i) A person who has reason to believe that prescription information from the database has been illegally or improperly accessed shall notify an appropriate law enforcement agency.

(j) The board shall notify any person whose prescription information from the database is illegally or improperly accessed.

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser.

(l) A person

(1) with authority to access the database under (d) of this section who knowingly

(A) accesses information in the database beyond the scope of the person's authority commits a class A misdemeanor;

(B) accesses information in the database and recklessly discloses that information to a person not entitled to access or to receive the information commits a class C felony;

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(C) allows another person who is not authorized to access the database to access the database commits a class C felony;

(2) without authority to access the database under (d) of this section who knowingly accesses the database or knowingly receives information that the person is not authorized to receive under (d) of this section from another person commits a class C felony.

(m) To assist in fulfilling the program responsibilities, performance measures shall be reported to the legislature annually. Performance measures may include outcomes detailed in the federal prescription drug monitoring program grant regarding efforts to

(1) reduce the rate of inappropriate use of prescription drugs by reporting education efforts conducted by the Board of Pharmacy;

(2) reduce the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit;

(3) increase coordination among prescription drug monitoring program partners; and

(4) involve stakeholders in the planning process.

(n) In this section,

(1) “board” means the Board of Pharmacy;

(2) “database” means the controlled substance prescription database established in this section;

(3) “knowingly” has the meaning given in AS 11.81.900;

(4) “pharmacist-in-charge” has the meaning given in AS 08.80.480.

Alaska Administrative Code (2014)
Title 12. Professional and Vocational Regulations
Part 1. Boards and Commissions Subject to Centralized Licensing
Chapter 52. Board of Pharmacy
Article 9. Controlled Substance Prescription Database (Refs & Annos)

12 AAC 52.855. Registration by dispensers and access requirements for controlled substance prescription database.

(a) To receive information from the controlled substance prescription database, a dispenser must register with the board by submitting a completed application on a form prescribed by the board, and must agree in writing to comply with the conditions set out in 12 AAC 52.860. The department shall issue a dispenser registered under this section a user account, login name, and password.

(b) A pharmacist or practitioner not registered under this section may request a patient profile from the board if the pharmacist or practitioner

(1) has a valid license to practice in this state or in another jurisdiction with licensure standards that are substantially similar to the licensure standards in this state;

(2) submits the request on a form prescribed by the board and

(A) mails it to the board; or

(B) sends it to the board by facsimile transmission;

(3) signs the request and includes the business name and address of the pharmacist or practitioner;

(4) includes in the request the patient's name and date of birth, the purpose of the request, and the date range for the patient profile; and

(5) includes evidence establishing that the requester has, with the subject of the requested information,

(A) a pharmacist-patient relationship as required under AS 17.30.200(d)(4); for purposes of this subparagraph, a pharmacist-patient relationship exists if the subject of the requested information is a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance; or

(B) a practitioner-patient relationship as required under AS 17.30.200(d)(3).

(c) A patient profile generated by the board under (b) of this section shall be

(1) sent by facsimile transmission or mailed certified mail, return receipt requested, to the pharmacist or practitioner at that person's business address; and

(2) marked “confidential, to be opened by addressee only.”

(d) Nothing in this section requires a pharmacist or practitioner to receive information from the controlled substance prescription database or to request a patient profile from the board.

Alaska Administrative Code (2014)
Title 12. Professional and Vocational Regulations
Part 1. Boards and Commissions Subject to Centralized Licensing
Chapter 52. Board of Pharmacy
Article 9. Controlled Substance Prescription Database (Refs & Annos)

12 AAC 52.865. Requirement for dispensers.

(a) A dispenser must acquire and maintain a National Provider Identifier (NPI) number under 45 C.F.R. 162.404 - 162.414 issued to the dispensing pharmacy.

(b) Except as provided under 12 AAC 52.870, a dispenser shall submit information required under AS 17.30.200(b) through the use of

(1) the American Society for Automation in Pharmacy's Standard for Prescription-Monitoring Programs, 2009, Version 4.1; or

(2) the website provided for that purpose by the board.

(c) No later than the fifth day of each month, a dispenser shall report to the board the controlled substance dispensing information required under AS 17.30.200(b) concerning controlled substances dispensed during the previous month. The requirement in 12 AAC 02.920(b) for time computation applies to a report made under this section.

(d) If notified by the board or the department of an error in transmitting the information required under AS 17.30.200(b), the dispenser shall correct the error no later than 14 days after the date of the notification.

(e) A pharmacist that is not required to report under AS 17.30.200 shall submit a sworn statement at the end of each calendar year certifying that the pharmacist has not dispensed any controlled substances listed in that section during the previous 12 months and does not intend to dispense the controlled substances listed in that section.

Alaska Administrative Code (2014)
Title 12. Professional and Vocational Regulations
Part 1. Boards and Commissions Subject to Centralized Licensing
Chapter 52. Board of Pharmacy
Article 9. Controlled Substance Prescription Database (Refs & Annos)

12 AAC 52.875. Solicited requests for information from non-registered persons.

(a) A patient authorized under AS 17.30.200(d)(6) to receive information from the controlled substance prescription database, the patient's authorized agent, or in the case of a unemancipated minor unable to give consent for medical services under AS 25.20.025(a), the minor's parent or legal guardian, may request profile information from the controlled substance prescription database concerning the patient if the person requesting the information

(1) submits the request on a form provided by the board;

(2) pays a \$10 fee; and

(3) does one of the following:

(A) if a patient, presents to the department, in person, government-issued photographic identification confirming the patient's identity as the same person on whom profile information is sought;

(B) if a patient, submits a signed and notarized request

(i) verifying that the patient is the same person on whom profile information is sought; and

(ii) providing the patient's full name, address, and date of birth;

(C) presents a valid power of attorney concerning the patient, or presents

(i) verification that the person requesting the information is the parent, legal guardian, or legal administrator of a minor, incapacitated person, or deceased person on whom profile information is sought; and

(ii) if the person is a parent or legal guardian of a patient who is a minor, verification that the patient is not an emancipated minor legally able to consent to medical treatment under AS 25.20.025.

(b) Profile information may be

(1) disseminated in person; or

(2) mailed certified mail, return receipt requested, no later than five days after the date that the department receives a request that meets the requirements of this section.