

BOARD OF PHARMACY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Thursday, December 18, 2014

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Members Present: Kerri Okamura, Chair
Garrett Lau, Vice Chair
Marcella Chock, Pharmacist
Lydia Kumasaka, Public Member
Carolyn Ma, Pharmacist
Mary Jo Keefe, Pharmacist

Staff Present: Lee Ann Teshima, Executive Officer ("EO")
Daniel K. Jacob, Deputy Attorney General ("DAG")
Lisa Kalani, Secretary

Guests: Greg Edwards, Dept. of Health, Food and Drug Branch
Todd Inafuku, Retiree
Tiffany Yajima, Ashford & Winston
Kellie Noguchi, Times
Paul Smith, Walgreens
Bethany Chiksa, Walgreens

Call to Order: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

There being a quorum present, the Chair called the meeting to order at 9:00 a.m.

Chair's Report: **Announcements and Introductions**

The Chair asked the audience to introduce themselves.

The Chair announced that the UH Hilo School of Pharmacy broke ground on their permanent building.

Additions/Additional Distribution to Agenda

None

Approval of the Previous Minutes – November 20, 2014

The Chair called for a motion in regards to the minutes of the November 20, 2014 meeting.

Upon a motion by Dr. Chock, seconded by Dr. Ma, it was voted on and unanimously carried to approve the minutes for the November 20, 2014 meeting as circulated.

Vice Chair's Report:

None.

Executive Officer's Report:

HAR Title 16, Chapter 95 – Status Report

The EO reported that a request to hold a public hearing was sent to the Governor's office on December 3, 2014. No response has been received yet.

Conferences/Seminars/Meetings

The EO reported that the Board of Pharmacy Laws and Rules Committee met today before the Board meeting and discussed collaborative agreements, durable medical equipment providers and compounding pharmacies.

NABP Vet-VIPPS Survey, Maui, Hawaii, November 16, 2014 – Mary Jo Keefe

Ms. Keefe reported that Don Williams was the representative from NABP. They did a tour of a small closed veterinary pharmacy where the pharmacist is there about 3 days a week. They discussed human resources, customer service, inventory management, shipping, administration, staff and IT computer systems.

NABP Interactive Member Forum, December 2-3, 2014, Northbrook, Illinois – Mary Jo Keefe

Ms. Keefe reported there were a lot of people in attendance that regularly go to NABP meetings. They discussed pharmacy tech training, education requirements and exams. One topic that was of interest was "tech check tech training" with bar code technology, where the technicians are doing the final check of the prescription in the pharmacy. Also discussed were inspectors and calling them "practice advisors" instead of inspectors. On the topic of pharmacists, they discussed ordering lab test outside of collaborative agreements, prescriptive authority, privacy measures and conflict of interest.

New Board Member Orientation, December 5, 2014, 8:30 – 12:30 p.m., State Capitol Auditorium

The EO reported the Chair, Ms. Keefe and Dr. Chock attended the New Board Member Orientation on December 5, 2014 at the State Capitol Auditorium.

Correspondence:

NABP

State News Roundup, November 2014

The Chair reported that effective September 17, 2014, Ohio House Bill 314 requires prescribers to obtain informed consent form a parent or guardian prior to initial issuance of a prescription for an opioid pain medication to a minor. While this new law primarily impacts prescribers, both Ohio laws and rules and federal laws and regulations place a corresponding responsibility on the pharmacist to use his or her professional judgment to determine if a prescription has a legitimate medical purpose and is compliant with all state and federal laws.

Another new law enacted by the Ohio General Assembly, House Bill 341, requires a prescriber, prior to issuing a prescription for an opioid analgesic or benzodiazepine, to query the Ohio Automated Rx Reporting System (OARRS) database. It also requires all pharmacists to register with OARRS by September 15, 2015.

Effective January 1, 2015, Ohio Administrative Code (OAC) Rule 4729-9-14 requires each prescriber or terminal distributor of dangerous drugs to take inventory of all stocks of controlled substances (CS) on hand every year following the date on which the initial inventory is taken. This is a change from the previous version of the rule that required a CS inventory every two years.

Also effective January 1, 2015, OAC Rule 4729-9-21 requires drugs compounded in a pharmacy to adhere to United States Pharmacopeia Chapter 795 for nonsterile compounded drugs and 797 for sterile compounded drugs. Additionally, all compounded prescriptions must also adhere to Section 503A of the Federal Food, Drug, and Cosmetic Act.

The Oregon State Board of Pharmacy recommends and encourages licensees to pursue ongoing CE opportunities for cultural competency. For purposes of maintenance of licensure, the Board considers CE in cultural competency to be relevant to the current practice of all licensees, and licensees may use this type of CE toward satisfying the required CE hours for license renewal.

The Oregon Board further notes that in order for the state to achieve the triple aim of improving health, improving care, and lowering cost, providers must be responsive to the needs of the diverse populations.

In Virginia, effective January 1, 2015, it is unlawful for any pharmacy or retail distributor to knowingly or intentionally sell or distribute a product containing dextromethorphan to a minor under the age of 18.

In North Dakota they are requiring the use of the Prescription Data Monitoring Program (PDMP) under certain circumstances effective October 1, 2014.

In Tennessee they are encouraging pharmacies to audit their controlled substances more closely. They are requiring a count and reconcile of any loss or surplus of medications based on your dispensing.

State Regulation of Wholesale Distributors and Third-Party Logistics Providers

The Board reviewed a memorandum from NABP asking how the state plans to license wholesale distributors and third-party logistics providers (3PLS). Currently, the law defines a wholesale distributor as: *a person (other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or repackager) engaged in wholesale distribution*. The law further defines a 3PL as: *an entity that provides or coordinates warehousing or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product, but does not take ownership of the product, nor have responsibility to direct the sale or disposition of the product*. Furthermore, the new law specifically requires that 3PLs be licensed separately from wholesale distributors: *State Regulation of Third-Party Logistics Providers. – No State shall regulate third-party logistics providers as wholesale distributors*.

The following are questions asked by NABP with the Board's responses:

1. Does your state currently license wholesale distributors? **Yes.**
2. Does your state currently license 3PLs? **No.**
3. If the present licensure category is wholesale distributor, does your state plan on changing that to separate the licensure of 3PLs in accordance with Title II of the DQSA?
No.
 - a. If no, can you explain why?
Hawaii does not have a compelling reason to license 3PLs at this time and is not clear on the purpose of separating licensure.

This memorandum was also referred to the Laws and Rules Committee for discussion.

Pharmacists Administering intramuscular injections (immunizations)

The Board reviewed an email inquiry asking if the successful completion of coursework or in-service training approved by The Accreditation Council for Pharmacy Education (ACPE) or The American Pharmacist Association (APA) in administering immunizations would fulfill the qualifications set forth in HRS §461-1(D) and that is the only State requirement for the pharmacist to administer injections within the pharmacy practice.

After a discussion and review of the definition of "Practice of pharmacy" under HRS Chapter 461 and discussion of their previous decision in August 2013 regarding a similar matter, it is the Board's informal interpretation that pursuant to the following definition, a Hawaii pharmacist may administer injections, including the intramuscular psychiatry injections in the deltoid if the pharmacist has completed the approved training as described below under the definition of "Practice of pharmacy", has an existing collaborative agreement with a licensed physician, has a valid prescription from the prescriber and adheres to any additional training recommendations by the manufacturer of the drug:

"Practice of pharmacy" means:

- (1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefore; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices;
- (2) Performing the following procedures or functions as part of the care provided by and in concurrence with a "health care facility" and "health care service" as defined in section 323D-2, or a "pharmacy" or a licensed physician, or a "managed care plan" as defined in section 432E-1, in accordance with policies, procedures, or protocols developed collaboratively by health professionals, including physicians and surgeons, pharmacists, and registered nurses, and for which a pharmacist has received appropriate training required by these policies, procedures, or protocols:
 - (A) Ordering or performing routine drug therapy related patient assessment procedures;
 - (B) Ordering drug therapy related laboratory tests;
 - (C) Initiating emergency contraception oral drug therapy in accordance with a written collaborative agreement approved by the board, between a licensed

- physician and a pharmacist who has received appropriate training that includes programs approved by the American Council of Pharmaceutical Education (ACPE), curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
- (D) Administering drugs orally, topically, by intranasal delivery, or by injection, pursuant to the patient's licensed physician's order, by a pharmacist having appropriate training that includes programs approved by the ACPE, curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
- (E) Administering:
- (i) Immunizations orally, by injection, or by intranasal delivery, to persons eighteen years of age or older by a pharmacist having appropriate training that includes programs approved by the ACPE, curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy; and
 - (ii) The influenza vaccine to persons between fourteen and seventeen years of age pursuant to section 461- ;

This is an informal interpretation for explanatory purposes only and is therefore not to be considered binding on the Board.

Executive Session:

At 10:18 a.m., upon a motion by Ms. Keefe, seconded by the Vice Chair, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(1) and (4), HRS, "to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;".

At 10:24 a.m. upon a motion by Ms. Keefe, seconded by Ms. Kumasaka it was voted on and unanimously carried to move out of executive session.

Chapter 91, HRS,
Adjudicatory Matters:

The Chair called for a recess from the meeting at 10:24 a.m. to discuss and deliberate on the following adjudicatory matter(s) pursuant to Chapter 91, HRS:

In the Matter of the Pharmacist's License of **Richard L. Spearman, PHA 2002-11-L**, Certificate of Service, and Board's Final Order to Revoke License for Failure to Comply with Board's Final Order dated July 17, 2014.

Upon a motion by the Chair, seconded by Ms. Keefe, it was voted on and unanimously carried to accept the Board's Final Order.

Following the Board's review, deliberation, and decisions in this matter, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 10:25 a.m.

Applications: **Ratification List**

Upon a motion by the Vice Chair, seconded by Dr. Chock, it was voted on and unanimously carried to approve the attached ratification lists.

Applications

Miscellaneous Permit

Upon a motion by the Chair, seconded by Dr. Chock, it was voted on and unanimously carried to approve the following applications:

Exact Care Pharmacy LLC
Millers of Wyckoff, Inc.
Anderson Compounding Pharmacy Inc.
Z-Stat Medical LLC
Caremark Arizona Mail Pharmacy LLC

Next Meeting: The Chair announced the next Board meeting as January 22, 2015.

Thursday, January 22, 2015
9:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:27 a.m.

Taken and recorded by:

Reviewed and approved by:

/s/ Lisa Kalani
Lisa Kalani, Secretary

/s/ Lee Ann Teshima
Lee Ann Teshima, Executive Officer

1/6/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____

LTYPE	LIC NUM	BP NAME PART 1
PH	3759	LEILANI J T <MANUEL UGANIZA<
PH	3760	BEHNAM <ROSTAMI<
PH	3761	MIN-CHI <MCCARTIN<
PH	3762	KAYLA S <QUICK<
PH	3763	TRAVIS C <HUCKABEE<
PH	3764	GABRIELLE S <KOHLER<
PH	3765	RACHEL S <PITTMAN<

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		
				ST	BUSN ZIP	BP NAME PART 1
PHY	859	935 MAKAHIKI WAY	HONOLULU	HI	96826	WAIKIKI HEALTH
PHY	860	58 MOWI LANI PKWY #5000	WAILUKU	HI	96793	SAFEWAY INC
PHY	861	1234 S BERETANIA ST	HONOLULU	HI	96814	SAFEWAY INC
PHY	862	91-1119 KEAUNUI DR	EWA BEACH	HI	96706	SAFEWAY INC
PHY	863	381 E MAKAALA ST	HILO	HI	96720	SAFEWAY INC
PHY	864	75-1027 HENRY ST	KAILUA KONA	HI	96740	SAFEWAY INC
PHY	865	170 E KAMEHAMEHA AVE	KAHULUI	HI	96732	SAFEWAY INC
PHY	866	888 KAPAHULU AVE	HONOLULU	HI	96816	SAFEWAY INC
PHY	867	200 HAMAKUA DR	KAILUA	HI	96734	SAFEWAY INC
PHY	868	831 KUHIO HWY	KAPAA	HI	96746	SAFEWAY INC
PHY	869	277 PIIKEA AVE	KIHEI	HI	96753	SAFEWAY INC

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		EXPR DTE	BP NAME PART 1
				ST	BUSN ZIP		
PMP	1071	38300 VANDYKE AVE #102	STERLING HEIGHTS	MI	48312	12/31/2015	SCRIPT LLC DBA NOWSCRIPT
PMP	1072	1090 ENTERPRISE DR	MEDINA	OH	44256	12/31/2015	GENTRY HEALTH SERVICES INC
PMP	1073	14 E WASHINGTON ST #C	CHAMPAIGN	IL	61620	12/31/2015	INDEPENCENCE HOLDING COMPANY LLC DBA COMPLETE CARE PHARMACY
PMP	1074	1485 LIVINGSTON LN	JACKSON	MS	39213	12/31/2015	RX PRO OF ALABAMA LLC
PMP	1075	1875 CALIFORNIA AVE	CORONA	CA	92881	12/31/2015	EGYPTIAN INC
PMP	1076	12123 JONES RD	HOUSTON	TX	77070	12/31/2015	EMPOWER CLINIC SERVICES LLC
PMP	1077	11701 CENTENNIAL RD STE 2 & 3	LA VISTA	NE	68128	12/31/2015	CSR COMPANY INC
PMP	1078	1170 PERKIOMEN AVE	READING	PA	19602	12/31/2015	SCOTT A <WERTZ<
PMP	1079	5710 HOOVER BLVD	TAMPA	FL	33634	12/31/2015	COAST QUALITY PHARMACY LLC
PMP	1080	12617 RACE TRACK RD	TAMPA	FL	33626	12/31/2015	RS COMPOUNDING LLC
PMP	1081	3190 N RD	DAVID CITY	NE	68632	12/31/2015	KV SUPPLY LLC
PMP	1082	3001 S PRIEST DR	TEMPE	AZ	85282	12/31/2015	ESI MAIL PHARMACY SERVICE INC
PMP	1083	433 RIVER ST #800	TROY	NY	12180	12/31/2015	ESI MAIL PHARMACY SERVICE INC
PMP	1084	7039 VALJEAN AVE	VAN NUYS	CA	91406	12/31/2015	UNICARE PHARMACY INC
PMP	1085	900 AVENIDA ACASO #A	CAMARILLO	CA	93012	12/31/2015	FACTOR SUPPORT NETWORK PHARMACY INC
PMP	1086	5835 S EASTERN AVE #101	LAS VEGAS	NV	89119	12/31/2015	PARTELL SPECIALTY PHARMACY
PMP	1087	2501 WEST OAK ST	DENTON	TX	76201	12/31/2015	APPLING ENTERPRISES LLC
PMP	1088	7225 FULTON AVE STE H	NORTH HOLLYWOOD	CA	91605	12/31/2015	VILLAGE & COMPOUNDING INC
PMP	1089	1162 W POPLAR AVE	COLLIERVILLE	TN	38017	12/31/2015	WRIGHT SPECIALTY PHARMACY AND DIABETIC SUPPLY LLC

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		
				ST	BUSN ZIP	BP NAME PART 1
PWD	170	1723 SILVA ST	HONOLULU	HI	96819	DME EXPRESS LLC

BOARD OF PHARMACY

October 23, 2014 Ratification List

Miscellaneous Permits (PMP)

Change of PIC:

Apria Healthcare LLC dba Star Medical Rx

700 NW Argosy Pkwy

Riverside, MO. 64150

New PIC: Jon Seth Brownsberger

Effective: 10/27/14

Genoa Healthcare LLC (PMP 500)

4508 Auburn Way N #A104

Auburn, WA. 98002

New PIC: Mohammad Shawish

Effective: 10/31/14

Liberty for All Pharmacy (PMP 941)

8444 W Oakland Park Blvd.

Sunrise, FL. 33351

New PIC: Christopher Perseo

Effective: 11/3/14

Med Quest Pharmacy (PMP 232)

669 W 900 W

N. Salt Lake, UT. 84054

New PIC: Christopher Cantwell

Effective: 11/7/14

Rx of Boca LLC (PMP 928)

5801 N. Federal Hwy.

Boca Raton, FL. 33487

New PIC: Jeffrey Gordon

Effective: 11/17/14

Relocation:

LMC Medical Supplies Inc. dba LMC Pharmacy (PMP 910)

1090 Holland Drive, Suite 3

Boca Raton, FL. 33487

Effective: 11/12/14

Closure:

American Rx LLC

412 S. Court St. #300

Florence, AL. 35630

Effective: 12/1/14

Pharmacy (PHY)

Change of PIC:

Longs Drug Stores California LLC dba Longs Drugs #9671 (PHY 723)

46-047 Kamehameha Hwy. Ste. C

Kaneohe, HI. 96744

New PIC: Ryan Nishikawa

Effective: 11/30/14

Longs Drug Stores California LLC dba Longs Drugs #9813 (PHY 724)

98-1005 Moanalua Rd. #400

Aiea, HI. 96701

New PIC: Kent Hirata

Effective: 11/9/14

Longs Drug Stores California LLC dba Longs Drugs #4492 (PHY 749)

41 E Lipoa St. #23A

Kihei, HI. 96753

New PIC: Carlin Ventura

Effective: 12/3/14

Waikiki Health dba Waikiki Health Center Pharmacy 2 (PHY 859)

935 Makahiki Way

Honolulu, HI. 96826

New PIC: Hiromi Saito

Effective: 12/1/14

Trade Name Change

Walgreen of Hawaii LLC dba Walgreens #15945 (PHY 858)

116 S. Hotel St. #101

Honolulu, HI. 96813

Effective: 11/13/14

Walgreen of Hawaii LLC dba Walgreens #15531 (PHY 770)

94-223 Farrington Hwy.

Waipahu, HI. 96813

Effective: 11/13/14