

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

MINUTES OF MEETING

Date: Thursday, March 12, 2015

Time: Immediately Following Public Hearing

Place: **PVL Examination Room – New Location**
335 Merchant Street, **3rd Floor**
King Kalakaua Building
Honolulu, HI. 96813

Members Present: Kerri Okamura, RPh, Chair
Garrett Lau, RPh, Vice Chair
Marcella Chock, PharmD., Pharmacist
Carolyn Ma, PharmD., BCOP, Pharmacist
Mary Jo Keefe, RPh, Pharmacist
Lydia Kumasaka, MS, APRN, Public Member

Staff Present: Lee Ann Teshima, Executive Officer ("EO")
Shari Wong, Deputy Attorney General ("DAG")
Lisa Kalani, Secretary

Guests: Greg Edwards, Dept. of Health, Food and Drug Branch
Kellie Noguchi, Times
Paul Smith, Walgreens
Emmellin Tung, University of Phoenix
Kelly Ishizuka, Daniel K. Inouye, College of Pharmacy
Fred Cruz, CVS
Stacy Pi, Kaiser Permanente
Albert Lau, Kaiser Permanente
Brande Ribillia
Keiko Hiraoka, Lilly

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 9:15 a.m.

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

The Chair asked the audience to introduce themselves.

Additions/Additional Distribution to Agenda

None.

Approval of the Previous Minutes – February 12, 2015

The Chair called for a motion in regards to the minutes of the February 12, 2015 meeting.

Dr. Ma corrected the spelling of the following names of guest from the Daniel K. Inouye UH Hilo College of Pharmacy:

- George Karvas
- Mimi Pezzuto
- Tiajana Gonzales
- Lauryn Mow

The Chair stated on page 5, second paragraph, last sentence, correct third word to “then” instead of them. Also, on page 9, fourth paragraph, first sentence, correct SB 844 to “SB 811”.

Upon a motion by the Vice Chair, seconded by Dr. Ma, it was voted on and unanimously carried to approve the minutes for the February 12, 2015 meeting as amended.

Vice Chair's Report:

The Vice Chair corrected today's agenda to read as follows:

6. Applications
 - b. Applications
 - 3) **Pharmacy**
 - i. Target Corporation, dba Target Pharmacy (Kahului)
 - ii. Target Corporation, dba Target Pharmacy (Kailua)

Executive Officer's Report:

HAR Title 16, Chapter 95 – Public Hearing on Proposed Amendments

The EO reported there was no oral testimony. There was one written testimony submitted addressing §16-95-84 Transfer of prescription. The testifier would like “initial fill” to be included in this section. If the Board wants to accept this recommendation that would be considered a substantive change and would mean going back to step one of the rule revision process, or, you could consider the recommendations on the next rule revision.

The Board by consensus will not include the recommendations submitted in the written testimony in the current rule revision, but will consider the recommendations in the next rule revisions. The current proposed rules are approved as is.

2015 Legislature – Bill Status Report

The EO reported on the following bills:

- HB 253, HD 2 - Relating to Vaccinations

In this draft of the bill, “Collaborating physician” is no longer included. The bill now allows a pharmacist to administer any vaccine, not only influenza, to minors pursuant to a valid prescription.

Upon a motion by the Chair, seconded by Ms. Keefe, it was voted on and unanimously carried to support HB 253, HD 2.

- SB 307, SD 1 – Relating to Health

This bill establishes licensure requirement for durable medical equipment suppliers participating in the nationwide competitive bidding program through an annual inspection by the office of healthcare assurance. Appropriates funds from the office of health care assurance special fund to administer the durable medical equipment licensing program.

- HB 580, HD 2 – Relating to The Licensure of Durable Medical Equipment Suppliers

This bill establishes licensure requirement for durable medical equipment suppliers participating in the nationwide competitive bidding program through the office of health care assurance. Appropriates funds from the office of health care assurance special fund.

The Board had previously recommended these bills be amended to exclude pharmacies from the license and inspection requirements and exclude any prescription drugs under durable medical equipment.

The Board by consensus continues to support SB 307, SD 1 and HB 580, SD2 with the amendments to exclude pharmacies from the license and inspection requirements and to exclude any prescription drugs under durable medical equipment.

The followings bills will be tracked only and the status will be reported to the Board.

- SB 1244 - Relating to Pharmacy Audits
- HCR 16 - Requesting a Sunrise Analysis of Proposed Mandatory Health Insurance Coverage of Laboratory Tests Ordered by Pharmacists
- HB 1072, HD 1 – Relating to Prescriptive Authority for Certain Psychologists
- HB 1176, HD 2 – Relating to Consumer Protection
- SB 303, SD 1 – Relating to Health
- SB 1106, HD 1/ HB 937, HD 1 – Relating to the Medicaid Managed Care Program
- SB 807, SD 1 – Relating to Health
- SB 810, SD 2 – Relating to the Uniform Controlled Substances Act

The following bills are dead:

- HB 255 – Relating to Emergency Allergy Treatment
- SB 302, SD 1 – Relating to Drug Overdose Prevention
- HB 1108, HD 1 – Relating to Health
- HB 548, HD 1 – Relating to Higher Education

The Chair asked if the Board only submits comments on bills that affect its Pharmacy laws?

The EO stated yes.

Conferences/Seminars/Meetings

MPJE Item Development Workshop, March 19-20, 2015, Mount Prospect, Illinois

The EO reported that Dr. Chock will be attending the MPJE Item Development Workshop being held March 19-20, 2015 in Mount Prospect, Illinois.

NABP's 111th Annual Meeting, May 16-19, 2015, New Orleans, Louisiana

The EO reported that Ms. Keefe will attend the NABP 111th Annual Meeting, May 16-19, 2015 in New Orleans, Louisiana.

Proposed Fee Increases

The EO stated the Department is anticipating a fee increase on initial and renewal fees. The proposed fee increase is to update the division's database which has not been updated since 1984. The increases will be approximately \$1 to \$5.

The Chair asked if this is an across the board increase for all licenses?

The EO stated yes.

Correspondence:

NABP

NABP State News Roundup, January 2015

The Chair reported that the 2014 Louisiana State Legislature passed Act 472, which amended the Louisiana Prescription Monitoring Program ("PMP") law to revise the deadline by which pharmacies and other dispensers of prescriptions for controlled substances are required to report those prescription transactions to the PMP database from the previous deadline of seven days after the date of dispensing to the next business day after the date of dispensing. That law became effective on August 1, 2014.

The Oklahoma State Board of Pharmacy has received several questions from Oklahoma licensed pharmacists who have been approached by out-of-state pharmacies asking them to be employed as their pharmacist-in-charge ("PIC") for their Oklahoma license, and suggesting to the pharmacists that they do not have to actually work at the pharmacy. A term for this might be an "absent" or "phantom" PIC.

The Washington State Department of Health reports that opiate overdose deaths were level from 2012 through 2013, after the prior decade of increases. From 2008 to 2013, there was a significant decline in pharmaceutical opioid-involved overdose deaths and a significant increase in heroin-involved deaths, with the net result being no change over the past six years. The Chair stated this topic seems to appear very often.

The EO reported that the Nevada State Board of Pharmacy inspectors complain more than usual lately. They are unhappy that their Board vehicles do not have heated seats. They also grumble that, with greater frequency, pharmacies are not prepared for inspection when that exciting day arrives. The Board office takes both issues seriously. It is committed to resolving as least one of them.

Accreditation Council for Pharmacy Education – Guidance on Continuing Professional Development (“CPD”) for the Profession of Pharmacy and Definition of Continuing Education for the Profession of Pharmacy

The Board was provided a guidance document on continuing professional development for the profession of pharmacy and definition of continuing education for the profession of pharmacy for their information.

RX/Ipsa Loquitur

Featured Case: Jury Rules Needle Phobia a Disability, Awards \$2.6M to Pharmacist

The Board was provided with a copy of an official publication of the American Society for Pharmacy Law. The featured case was about a former Rite Aide pharmacist who was awarded \$2.6 million for violations of the Americans with Disabilities Act and the New York State Human Rights Law after the pharmacist was fired from his job for refusing to undergo immunization training because of his phobia. The jury determined needle phobia, or trypanophobia a disability.

Independent Monitoring in Pharmacy Matters and Letter from Author

The Board was provided with a copy of the article “Independent Monitoring in Pharmacy Matters” for their information from the author. The author believes the Board will find the article interesting because it explains the benefits of independent monitoring from someone who has worked in both the government sector and the monitoring field.

The article highlights ways in which monitoring is beneficial to licensees and Boards:

- The public is protected;
- Licensees remain in business while demonstrating a commitment to compliance;
- Settlements curtail litigation costs;
- Jobs are protected; and
- Monitoring is tailored to the areas needing remediation.

Executive Session:

At 9:41 a.m., upon a motion by the Vice Chair, seconded by Dr. Ma, 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 10:01 a.m. upon a motion by Dr. Ma, 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 10:01 a.m. to discuss and deliberate on the following adjudicatory matter(s) pursuant to Chapter 91, HRS:

In the Matter of the Miscellaneous Permit of **Avella of Deer Valley, fka Apothecary Shop of Deer Valley, Inc.; PHA 2014-17-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order: Exhibits "1" – "3"

Upon a motion by Ms. Kumsaka, seconded by Dr. Ma, it was voted on and unanimously carried to approve 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 10:02 a.m.

Applications:

Ratification List

Upon a motion by Ms. Keefe, seconded by Ms. Kumasaka, it was voted on and unanimously carried to approve the attached ratification lists.

Applications

Pharmacist

Upon a motion by Dr. Chock, seconded by Ms. Kumasaka, it was voted on and unanimously carried to approve the following upon receipt of proof of completion of 1,500 hours of practical experience that is predominantly related to the "practice of pharmacy" as defined in HRS §461-1.

Craig Pivo

Miscellaneous Permit

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to approve the following, however the approval does not include pharmacist Jill Link.

Value Specialty Pharmacy

Miscellaneous Permit

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

Unique Pharmaceuticals, Ltd.

Pharmacy

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

Target Corporation, dba Target Pharmacy (Kahului)
Target Corporation, dba Target Pharmacy (Kailua)

Next Meeting: The Chair announced the next Board meeting as April 16, 2015 and asked if everyone was available.

April 16, 2015
9:00 a.m.
Queen Liliuokalani Conference Room
335 Merchant Street, First Floor
King Kalakaua Building
Honolulu, HI. 96813

The Vice Chair stated he will not be able to attend the April meeting.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:07 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

3/26/15

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____

LTYPE	LIC NUM	BP NAME PART 1
PH	3784	SUIT HING <MOY-SANDUSKY<
PH	3785	CHELSIE K <WON<
PH	3786	JOANNE D <SABLAN<
PH	3787	RAYMOND <LOUIE<
PH	3788	ISHAM R <SMITH<
PH	3789	JOSHUA L <LYNN<
PH	3790	MELINDA B <LANE<
PH	3791	YUKIKO H <GARCIA<
PH	3792	ANTHONY J <FAZIO<
PH	3793	MICHAEL <BISCEGLIA<
PH	3794	ANDREW J <REINHART<
PH	3795	DONNA E <ARAKI<
PH	3796	KARLA R <BIESCHKE<
PH	3797	ANDREW M <ABE<
PH	3798	CEDRIC K <NAKAMOTO<
PH	3799	AUDREY LYNN <BARBOUR<
PH	3800	ALEC O <DAILY<
PH	3801	YEN N <MYERS<
PH	3802	ERNA G <AGMATA<

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		
				ST	BUSN ZIP	BP NAME PART 1
PHY	874	345 HAHANI ST	KAILUA	HI	96734	TARGET CORPORATION
PHY	875	100 HOOKELE ST	KAHULUI	HI	96732	TARGET CORPORATION
PHY	876	2919 KAPIOLANI BLVD	HONOLULU	HI	96826	WALGREEN OF HAWAII LLC
PHY	877	130 PRISON ST	LAHAINA	HI	96761	RAINBOW PHARMACY LLC

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		BP NAME PART 1
				ST	BUSN ZIP	
PMP	1106	113 WATERWORKS WAY #160A	IRVINE	CA	92618	INFINITE HEALTH SOLUTIONS INC
PMP	1107	16011 N NEBRASKA AVE STE 103	LUTZ	FL	33549	ABSOLUTE PHARMACY LLC
PMP	1108	1019 GOVERNMENT ST STE F & D	OCEAN SPRINGS	MS	39564	GARDENS PHARMACY LLC
PMP	1109	161 CITATION CT	BIRMINGHAM	AL	35209	DUSARA CORPORATION
PMP	1110	5240 SAN FERNANDO BLVD	GLENDALE	CA	91203	FARMA PHARMACEUTICALS INC
PMP	1111	840 N OAK AVE	RULEVILLE	MS	38771	SUNFLOWER DISCOUNT PHARMACY LLC
PMP	1112	8840 N MACARTHUR BLVD	IRVING	TX	75063	Y MEDICAL ASSOCIATES INC
PMP	1113	10672 RIVERSIDE DR	NORTH HOLLYWOOD	CA	91602	GREYWELL PHARMACY
PMP	1114	212 W MAGNOLIA BLVD	BURBANK	CA	91502	PMKM LLC
PMP	1115	9397 HAVEN AVE	RANCHO CUCAMONGA	CA	91730	QUICK CARE PHARMACY INC
PMP	1116	2428 YALE ST STE B	HOUSTON	TX	77008	TOTAL VEIN PHARMACY LLC
PMP	1117	9191 WESTMINSTER AVE	GARDEN GROVE	CA	92844	WESTGROUP PHARMACEUTICAL INC DBA PROCARE PHARMACY
PMP	1118					HEALTHSCRIPTS SPECIALTY PHARMACY LLC
PMP	1119	3165 SWEETEN CREEK RD	ASHEVILLE	NC	28803	AEROFLOW INC
PMP	1120	1049 BROOKDALE ST STE B	MARTINSVILLE	VA	24112	FAMILY LTC PHARMACY INC
PMP	1121	2253 AIR PARK RD	RHINELANDER	WI	54501	PETCO WELLNESS LLC
PMP	1122	7381 114TH AVE N STE 405A	LARGO	FL	33773	STERILE COMPOUNDING PHARMACY LLC
PMP	1123	1680 MICHIGAN AVE STE 800	MIAMI BEACH	FL	33139	SCRIPT SHOP MIAMI LLC

BOARD OF PHARMACY

March 12, 2015 Ratification List

Miscellaneous Permits (PMP)

Change of PIC

Hometech Advanced Therapies Inc. (PMP-768)

505 Elmwood Ave.

Sharon Hill, PA. 19079

New PIC: Carol Baron

Effective: 2/2/15

Pillpack Inc. (PMP-891)

250 Commercial St., Ste. 2012

Manchester, NH. 03101

New PIC: Nicholas Guletsky

Effective: 12/1/14

WelldyneRx (PMP-263)

7472 S Tucson Way Ste. 100-A

Centennial, CO. 80112

New PIC: Margaret Henderson

Effective: 2/2/15

ESI Mail Pharmacy Service Inc. dba Express Scripts (PMP-18)

4600 North Hanley Rd.

St. Louis, MO. 63134

New PIC: Susan Lanctot

Effective: 2/9/15

American Custom Compounding Pharmacy LLC (PMP-994)

2607 Walnut Hill Ln., Ste. 220

Dallas, TX. 75229

New PIC: Sirisha Kandi

Effective: 2/2/15

Sentrix Pharmacy and Discount LLC (PMP-1009)

6910 Sterling Rd.

Hollywood, FL. 33024

New PIC: Cynthia Jean

Effective: 2/1/15

Wells Pharmacy Network LLC (PMP-797)

1210 SW 33rd Ave.

Ocala, FL. 34474

New PIC: Diane Raum

Effective: 2/16/15

MMS Solutions (PMP-462)

202 Cumberland Bend
Nashville, TN. 37228
New PIC: Timothy Hoffman
Effective: 2/13/15

Town Total Health LLC dba Aureus Pharmacy (PMP-965)

305 Merchant Ln.
Pittsburgh, PA. 15205
New PIC: Michael Stanley
Effective: 2/16/15

Rx Pro of Mississippi Inc. dba McDaniel Pharmacy (PMP-926)

1005 Market St.
Port Gibson, MS. 39150
New PIC: Peggy King
Effective: 1/6/15

Mesa Pharmacy Inc. dba Mesa Pharmacy VII (PMP-705)

18013 Sky Park Cir. #D
Irvine, CA. 92614
New PIC: Amy Lee Summers
Effective: 2/12/15

Closure

Rockwell Compounding Associates Inc. (PMP-680)

350 Theodore Fremd Ave.
Rye, NY. 10580
Effective: 1/17/15

Surepoint Medical LLC (PMP-753)

1918 E 23rd St. Ste. A
Lawrence, KS. 66046
Effective: 3/1/15

Factor Support Network Pharmacy Inc. (PMP-618)

900 Avenida Acaso #A
Camarillo, CA. 93012
Effective: 11/20/14

Relocation

Algunas Inc. (A California Corporation) dba Woodland Hills Pharmacy (PMP-884)

20631 Ventura Blvd., Suite 305
Woodland Hills, CA. 91364
Effective: 2/3/15

Pharmacy (PHY)

Change of PIC

Wal-Mart Stores Inc. dba Wal-Mart Pharmacy #10-3290 (PHY-620)

101 Pakaula St.

Kahului, HI. 96732

New PIC: Timothy Reineke

Effective: 2/8/15

Longs Drug Stores California LLC dba Longs Drugs #6928 (PHY-747)

2070 N King St. #5

Honolulu, HI. 96819

New PIC: Bradley Miyashiro

Effective: 2/1/15

Longs Drug Stores California LLC dba Longs Drugs #9220 (PHY-718)

4211 Waiālae Ave.

Honolulu, HI. 96816

New PIC: Glenn Morikawa

Effective: 2/5/15

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

41 E Lipoa St. #23A

Kihei, HI. 96753

New PIC: Shaun Blum

Effective: 3/1/15

Longs Drug Stores California LLC dba Longs Drugs #3059 (PHY-765)

55 Kiopaa St.

Pukalani, HI. 96768

New PIC: Carlin Ventura

Effective: 3/1/15

Safeway Inc. dba Safewa Pharmacy #2897 (PHY-862)

91-1119 Keaunui Dr.

Ewa Beach, HI. 96706

New PIC: Brendan Katahara

Effective: 2/11/15

Closure

Walgreen of Hawaii LLC (PHY-763)

130 Prison St.

Lahaina, HI. 96761

Effective: 2/15/15

Wholesale Distributor (PWD)

Closure

Alcon Laboratories Inc. (PWD-10)

529 Koula St. Bay 2
Honolulu, HI. 96813
Effective: 1/12/15

Air Liquide America LP (PWD-118)

200 Kanoelehua Ave., Ste. 108
Hilo, HI. 96720
Effective: 2/6/15

Air Liquide America LP (PWD-119)

3076 Peleke St.
Lihue, HI. 96766
Effective: 2/6/15

Air Liquide America LP (PWD-120)

340 Hookahi St.
Wailuku, HI. 96793
Effective: 2/6/15

Air Liquide America LP (PWD-121)

91-163 Hamua St.
Kapolei, HI. 96707
Effective: 2/6/15

Air Liquide America LP (PWD-140)

232 A Sand Island Access Rd.
Honolulu, HI. 96819
Effective: 2/6/15