

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

MINUTES OF MEETING

Date: Thursday, January 22, 2015

Time: 9:00 a.m.

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

Members Excused: Lydia Kumasaka, MS, APRN, Public Member

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

Guests: Greg Edwards, Dept. of Health, Food and Drug Branch
Tiffany Yajima, Ashford & Winston
Kellie Noguchi, Times
Paul Smith, Walgreens
Reyna Nakamura, Open Door Pharmacy
Alison Steinbunner, Walgreens
Akio Yanagasawa, Walgreens
Fred Cruz, CVS
Pat Adams, Foodland
Kevin Glick, HCPA
Brian Carter, Westside Pharmacy

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 9:03 a.m. and excused Lydia Kumasaka from today's meeting.

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

The Chair asked the audience to introduce themselves.

Additions/Additional Distribution to Agenda

The Chair announced the following additional distribution:

7. Applications
 - a. Ratification Lists

Approval of the Previous Minutes – December 18, 2014

The Chair called for a motion in regards to the minutes of the December 18, 2014 meeting.

Upon a motion by the Vice Chair, seconded by Ms. Keefe, it was voted on and unanimously carried to approve the minutes for the December 18, 2014 meeting as circulated.

Vice Chair's Report: None.

Laws and Rules Committee Report: Ms. Keefe reported they are still discussing DME Providers, Collaborative Agreements, and Compounding Pharmacies.

Executive Officer's Report: **HAR Title 16, Chapter 95 – Status Report**

The EO reported that approval has been received from the Governor to hold a public hearing on the proposed amendments to the administrative rules and that the public hearing would be scheduled on March 19, 2015 at 9:00 a.m. with the Board meeting immediately following the public hearing. A notice of the public hearing will be published in the Sunday, February 15, 2015.

The Chair and Dr. Chock stated they will not be able to attend the meeting or public hearing on March 19, 2015.

The EO asked the Secretary if the meeting and the public hearing could be moved to March 12, 2015.

The Secretary was able to the amend the public notice which will now be published on Sunday, February 8, 2015..

The EO announced that the public hearing and Board's **new** meeting date is **March 12, 2015 in the PVL Exam Conference Room on the third floor.**

Conferences/Seminars/Meetings

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

The EO reported that NABP will hold its 111th Annual Meeting, May 16-19 in New Orleans, Louisiana and asked if anyone was interested in attending.

Ms. Keefe stated she is interested in attending.

Appointment to RICO's Pharmacy Advisory Committee

Upon a motion by Dr. Chock, seconded by the Vice Chair, it was voted on and unanimously carried to approve the appointment to RICO's Pharmacy Advisory Committee.

Pharmacist Determining Physician's Scope of Practice in Order to Fill Prescription

The EO stated she recently received a phone call from an Ophthalmologist stating that they called a pharmacy to fill a prescription for Tamiflu, and the pharmacist there would not fill the prescription because he said it was outside of the scope of practice for an Ophthalmologist. After confirming with the pharmacist in question that is what was said, the EO asked the pharmacist if he contacted the Hawaii Medical Board. The pharmacist said he did not.

The EO explained that she understands a pharmacist can use their professional judgment when filling a prescription, however, without contacting the Hawaii Medical Board, how would the pharmacist know this is outside the scope of practice for an Ophthalmologist.

The Chair stated if a pharmacist is not comfortable filling a prescription that is their choice.

Dr. Chock stated the pharmacist probably should have said that he was not comfortable filling it, instead of telling the physician it is outside of their scope.

The EO stated that she was concerned that the pharmacist made such a determination without checking further and that if a pharmacist has doubts whether that is within the practitioner's scope of practice, the pharmacist should contact the prescriber's board office, such as the Medical Board or the Dental Board, etc.

Dr. Ma stated she appreciates the EO taking the time to address this type of call but what if the scenario was that the pharmacist did not know who to ask, so what they do is call another pharmacist and they decide together what to do. Although this type of call may be concerning, at least it clarified to that pharmacist what they should be doing.

The EO clarified with Dr. Ma that she is to understand there are pharmacists out there who will not contact the board directly but will consult with another pharmacist?

Dr. Ma stated yes, people need to be educated.

The Chair asked how would you communicate this information to the pharmacist.

The EO stated that by discussion at today's meeting, she would hope that the word would spread and be reflected in the minutes.

Dr. Chock stated another way is to reach out to associations to send an fyi to their members.

Mr. Smith stated from personal experience, if it was a script for Tamiflu then it was probably at night, and the board would not have been able to provide an answer right away. However, if it's a "licensed" MD, it does not matter what their specialty is, they all go through basic general medical training.

Mr. Adams stated this was an unfortunate mis-judgment on the pharmacist part. There is always a chance that someone makes the wrong decision, but this does not change the idea that a pharmacist is involved in everyone's scope of practice and that we're there to determine whether or not someone is writing a prescription under their scope of practice. That's always what we've done and that's probably always what we will do. On another note, although this was poor judgment on the part of the pharmacist, it may have been an isolated incident.

The EO thanked everyone for their discussion on this issue. For the purpose of discussion, the EO stated she does not have any legislative issues and does not know of any bills. However, there may be some bills from the Narcotics Enforcement Division (NED) as follows:

- Related to Hawaii's Prescription Monitoring Program (PMP) requiring every prescriber to utilize the system;
- Allowing for expanded use of Naloxone to treat overdose and immunity for anyone administering;
- Requiring 4 units of continuing education as a requirement for NED registration, to be monitored and enforced by NED;
- Requiring providers to enter into a pain management contract with patients before prescribing certain medications; and
- Drug take-back programs and education measures.

Mr. Glick stated that right now practitioners, physicians, nurse practitioners, and providers are not required to register with the PMP and they are not required to do any look ups. The problem right now is the way the PMP is set up, if I am a registered user, I cannot ask my staff to dial up someone's history and give it to me. I have to physically do it myself, and that was the stumbling block with the physicians.

The EO stated she was under the impression that all practitioners had to register.

The Chair stated there is only a reporting requirement, not a requirement to register.

Mr. Adams stated there are going to be some bills that Hawaii Community Pharmacist Association is sponsoring. One of them has to do with immunizations and revisiting the idea that we would lower the age to immunize to fifteen to seventeen year old. In addition to that, we believe that mail order pharmacies are delivering and not getting signatures for controlled substances, and we feel that those should get signatures so we know who it is being delivered to, and the third one has to do with pharmacy providership.

The EO asked regarding administering immunizations, you are referring to any immunization, not just the influenza vaccine.

Mr. Adams stated yes.

The EO stated right now the influenza vaccine is from fourteen to seventeen, but you're amending the language to fifteen years old?

Mr. Adams stated fifteen seemed like a good age. Fifteen in Hawaii is the age a child can make his/her own decision.

Gallup Poll – Americans Rate Nurses Highest on Honesty, Ethical Standards – Pharmacist Ranked Third

The Board was provided with an article from Gallup Poll that states Americans rank pharmacist third in having honest and ethical standards in their profession.

Correspondence:

NABP

State News Roundup, December 2014

The Chair reported that in Nevada on October 9, 2014, the Drug Enforcement Administration (DEA) final rule on drug disposal took effect. The rule creates pathways by which drugs that have been dispensed to the ultimate user may be securely submitted to authorized collectors for disposal. DEA registrants eligible to voluntarily participate may modify their current DEA registration to become an “authorized collector,” and include retail pharmacies, hospitals, narcotic treatment facilities, and clinics with an on-site pharmacy. Pharmacies may operate a collection receptacle in a long-term care facility as well. The rules are many and detailed, and need to be carefully considered before changing your registration. Also of note, registrants may not use approved collection receptacles to dispose of unwanted or outdated stock.

NABP partnered with DEA to create an educational pamphlet identifying key strategies pharmacists can take to secure their stores against robberies, which can be downloaded at www.deadiversion.usdoj.gov/pubs/brochures/pharmtheft.pdf. In addition, some boards of pharmacy have identified best practices for preventing pharmacy theft, and have supported these practices through regulations or recommendations for their licensees.

AWARErx.org – Medication Disposal Site Search Tool

The Board reviewed a news release from AWARErx.org that stated the AWARE Prescription Drug Safety Program supports the proper disposal of medications as a vital component in preventing accidental or intentional misuse of prescription drugs. To help visitors to www.AWARErx.org more easily find disposal locations in their area, AWARE has launched a location-based search tool. Typing an address, city, state, or zip code into the website’s new search tool will provide patients with a list and map of the closest medication disposal sites. Law enforcement organizations, civic centers, and pharmacies are the most common sites where prescription drugs can be disposed of in a manner that is safe for family, friends, and the environment.

Revision to Application for Licensure Transfer and U.S. Department of Justice, Civil Rights Division Determination

The Board reviewed a memo from NABP asking the Board to review its application.

The DAG stated if you are asking about someone's mental condition on an application, you have to have a justification for it. It has to be related to the practice. This was a case involving the Louisiana licensing authority for attorneys. Their applications asks you to disclose if you have mental condition, and it goes on to ask a number of other intrusive questions that have nothing to do with the ability to practice law. Someone complained to the justice department about it, and the justice department said there has to be some correlation to the profession to ask those questions.

The EO stated NABP is amending a question on their license transfer application to read, "Do you currently have any condition or impairment, including but not limited to substance or alcohol abuse or dependency that in any way affects your ability to practice pharmacy in a safe and competent manner?"

The DAG stated the opinion that came down from the justice department had to do with the practice of law, so there may be different criteria for different professions.

Inspection Sharing Network Training

The Board reviewed a correspondence from NABP inviting all board of pharmacy executive officers and applicable board staff to participate in a Webinar consisting of training for the upgraded inspection sharing network, which now includes updated features to now include Verified Pharmacy Program (VPP) attributes.

The Chair stated she will try to attend the Webinar.

Central Fill Requirements for Non-Resident Pharmacies

The Board reviewed an email inquiry asking what the central fill requirements are for a non-resident pharmacy to establish a relationship with a licensed pharmacy in Hawaii for dispensing in Hawaii.

After some discussion, the Board determined that additional information clarifying the activity is needed in order to respond to this inquiry.

Request for Exemption for Non-Resident Pharmacy License for Clinical Study

The Board reviewed a letter from a research organization stating that they will be conducting a research clinical study and will need to ship medications to Hawaii on a monthly basis for 52 weeks. They are asking for a non-resident pharmacy license exemption.

After some discussion and a review of the pharmacy laws and rules, the Board determined that the pharmacy laws and rules do not provide the Board with the authority to "waive" or "exempt" any requirements for an out-of-state pharmacy to dispense prescription drugs directly to the patient residing in this State from obtaining the required miscellaneous permit as an out-of-state pharmacy.

Patient Safety & Medication Error Prevention for Pharmacy Course, Oregon State University

The Board reviewed an email, brochure and detailed summary from Oregon State University- College of Pharmacy announcing the recent release of their Patient Safety & Medication Error Prevention for Pharmacy Course. The course provides pharmacists the tools to identify problems, reduce risk, and improve communications, resulting in improved patient safety within today's pharmacy environment.

After a review of the brochure and detailed summary of the course, the Board after careful consideration approved Oregon State University College of Pharmacy's online CE course "Patient Safety and Medication Error Prevention for Pharmacy" as a course for disciplinary action cases in which the pharmacists violated the pharmacy practice act. The course information will be forwarded to the Regulated Industries Complaints Office for their consideration in disciplinary action cases that may warrant such a course.

Pharmacy Licensure Question

The Board reviewed an email inquiry asking if the non-resident pharmacy permit would allow a non-resident pharmacy to engage in bulk compounding where the pharmacy compounds drugs and sells them in bulk to healthcare facilities, meaning that the drugs are often not pursuant to a patient prescription or in anticipation of a patient prescription. Does a non-resident pharmacy need to obtain another license (in addition to its non-resident permit) to engage in bulk compounding and distribution into the state.

After some discussion, the Board was not able to make a determination due to a lack of information. The following are some of the questions the Board raised:

- Are the drugs being compounded FDA approved drugs?
- Are the drugs being compounded have a "valid" prescription?
- Does the pharmacy in question have a manufacturer's license or permit in their domicile state?
- Does the pharmacy in question have an "outsourcing" facility license or registration with the federal government?

Further discussion was deferred until more information is provided.

Executive Session:

At 10:04 a.m., upon a motion by Dr. Ma, seconded by Ms. Keefe, 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 10:11 a.m. upon a motion by the Vice Chair, seconded by Dr. Ma it was voted on and unanimously carried to move out of executive session.

Chapter 91, HRS,
Adjudicatory Matters: None.

Applications: **Ratification List**

Upon a motion by Dr. Chock, seconded by the Vice Chair, 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:

Downing Labs, LLC
Coram Alternate Site Services Inc., dba Coram Specialty Infusion Services an Apria
Health Company (PMP742) – Disciplinary Action Taken against PIC

Next Meeting: The Chair announced the next Board meeting as February 12, 2015 and asked if everyone was available.

February 12, 2015 – New Date Due to Legislative Session

9:00 a.m.

**The Daniel K. Inouye College of Pharmacy
677 Ala Moana Blvd., Suite 1025 – New Location
Honolulu, Hawaii 96813**

AND

**The Daniel K. Inouye College of Pharmacy
at the University of Hawaii at Hilo, Classroom I
722 South Aohoku Street
Hilo, Hawaii 96720**

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

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:15 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

2/6/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____

LTYPE	LIC NUM	BP NAME PART 1
PH	3766	KELLY T <NGUYEN<
PH	3767	JENNIFER M <POTTER<
PH	3768	MARIANNA <YANASHYAN<
PH	3769	ROBERT D <MCCONAGHY<
PH	3770	JAMIE <FEELEY<
PH	3771	ANGELA K <BOUGETZ<
PH	3772	MEGAN D <FLANARY<
PH	3773	RICK S <PI<
PH	3774	JESSIE <HORI<
PH	3775	SORA <LYU<
PH	3776	AMY <SHAH-GEORGE<

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		BP NAME PART 1
				ST	BUSN ZIP	
PMP	1090	2311 W UTOPIA RD	PHOENIX	AZ	85027	PRN MEDICAL SERVICES LLC
PMP	1091	678 WYCKOFF AVE	WYCKOFF	NJ	07481	MILLERS OF WYCKOFF INC
PMP	1092	310 BLUFF CITY HWY	BRISTOL	TN	37620	ANDERSON COMPOUNDING PHARMACY INC
PMP	1093	34911 US HWY 19 N #525A	PALM HARBOR	FL	34684	Z-STAT MEDICAL LLC
PMP	1094	4121 E COTTON CTR BLVD	PHOENIX	AZ	85040	CAREMARK ARIZONA MAIL PHARMACY LLC
PMP	1095	1035 COLLIER CENTER WAY #2	NAPLES	FL	34110	INNOVATIVERX GULF COAST PHARMACY INC
PMP	1096	5029 E SUNRISE DR #101	PHOENIX	AZ	85044	INJURED WORKERS PHARMACY LLC
PMP	1097	11724 S STATE ST #102	DRAPER	UT	84020	LONE PEAK PROFESSUIONAL PHARMACY PLLC
PMP	1098	7631 E INDIAN SCHOOL RD	SCOTTSDALE	AZ	85251	DIAMONDBACK DRUGS OF DELAWARE LLC
PMP	1099	52 MAIN ST	HOPKINTON	MA	01748	HOPKINTON DRUG INC
PMP	1100	3501 HEALTH CENTER BLVD #1200	BONITA SPRINGS	FL	34135	ESTONNA MANAGEMENT LLC
PMP	1101	9445 ROCKSIDE RD	VALLEY VIEW	OH	44125	EXACT CARE PHARMACY LLC

BOARD OF PHARMACY

January 22, 2015 Ratification List

Miscellaneous Permits (PMP)

Change of PIC

ESI Mail Pharmacy Service Inc. dba Express Scripts (PMP 1065)

4500 Alexander Blvd. NE
Albuquerque, NM. 87107
New PIC: Bobbie Jean BJ Cobb
Effective: 12/1/14

Sentrix Pharmacy and Discount LLC (PMP 1009)

6910 Sterling Rd.
Hollywood, FL. 33024
New PIC: Hang Pham
Effective: 12/8/14

Icore Healthcare LLC (PMP 560)

6870 Shadowridge Drive, Suite 111
Orlando, FL. 32812
New PIC: Scott Grigas
Effective: 12/11/14

Bet Pharm LLC (PMP 620)

1501 Bull Lea Rd. #102B
Lexington, KY. 40511
New PIC: Seth DePasquale
Effective: 1/1/15

Crescent Healthcare Inc. (PMP 537)

11980 Telegraph Rd. Ste. 102
Santa Fe Springs, CA. 90670
New PIC: Joe DiStefano
Effective: 12/9/14

Walgreens Specialty Pharmacy LLC

dba Walgreens Specialty Pharmacy #12314 (PMP) 547

9775 SW Gemini Dr. Ste. 1
Beaverton, OR. 97008
New PIC: Theresa James
Effective: 12/12/14

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

4600 North Hanley Rd.
St. Louis, MO. 63134
New PIC: Richard Kruse
Effective: 12/14/14

ASL Pharmacy (PMP 737)

900 Calle Plano Ste. M
Camarillo, CA. 93012
New PIC: Don Furushiro
Effective: 1/1/15

Complete Medical Homecare Inc.

14309 W 95th St.
Lenexa, KS. 66215
New PIC: Sarah Spangler
Effective: 12/19/14

Walgreen Pharmacy Services Midwest LLC

14901 NW 79th Ct.
Miami Lakes, FL. 33016
New PIC: Cristina Lorenzo
Effective: 12/22/14

Relocation

Ban-Nix Home Medical Equipment Inc. (PMP 345)

64-1032 Mamalahoa Hwy. #306
Kamuela, HI. 96743
Effective: 11/1/14

Specialty Therapeutic Care LP (PMP 564)

1311 W. Sam Houston Pkwy. N. Ste. 150
Houston, TX. 77043
Effective: 12/12/14

Covance Specialty Pharmacy LLC

100 Technology Park, Suite 158
Lakeland, FL. 33810
Effective: 12/6/14

Closure

Outrigger Shops LTD dba Kuhio Pharmacy (PHY 200)

2330 Kuhio Ave.
Honolulu, HI. 96815
Effective: 1/12/15

Outrigger Shops LTD dba Prince Kuhio Pharmacy II (PHY 795)

1922 Kalakaua Ave.
Honolulu, HI. 96815
Effective: 1/12/15

Pharmacy (PHY)

Change of PIC

Longs Drug Stores California LLC dba Longs Drugs #9300 (PHY 736)

925 California Ave.

Wahiawa, HI. 96786

New PIC: Marisa Nonaka

Effective: 12/7/14

Wal-Mart Stores Inc. (PHY 653)

700 Keeaumoku St.

Honolulu, HI. 96814

New PIC: Rae Nakayama

Effective: 12/12/14