

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

MINUTES OF MEETING

Date: Thursday, October 22, 2015

Time: 9:00 a.m.

Place: King Kalakaua Conference Room
335 Merchant Street, First Floor
King Kalakaua Building
Honolulu, HI. 96813

Members Present: Kerri Okamura, RPh, Chair, Pharmacist
Mary Jo Keefe, RPh, Pharmacist
Marcella Chock, PharmD., Pharmacist
Carolyn Ma, PharmD., BCOP, Pharmacist

Members Excused: Garrett Lau, RPh, Vice Chair, Pharmacist

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

Guests: Kim Bartholomew, Applicant
Kellie Noguchi, Times
Paul Smith, Walgreens
Stacy Pi, Kaiser Permanente
Albert Lau, Kaiser Permanente
Greg Edwards, Department of Health, Food and Drug Branch
Mike Kido, Ashford & Wriston LLP

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 excused the Vice Chair from today's meeting and asked the audience to introduce themselves.

Additions/Additional Distribution to Agenda

The Chair announced the following agenda item had additional distribution:

4. Correspondence
 - a. Requirements for an Out-of-state Call Center

Approval of the Previous Minutes – September 17, 2015

The Chair called for a motion in regards to the minutes of the September 17, 2015 meeting.

There being no amendments, upon a motion by Dr. Ma, seconded by Dr. Chock, it was voted on and unanimously carried to approve the minutes for the September 17, 2015 meeting as circulated.

Report of Laws and Rules Committee – September 17, 2015 Meeting

The Chair reported that at the September 17, 2015 Laws and Rules Committee meeting, they discussed limiting the number of times a candidate can sit for the NAPLEX and Hawaii MPJE and possible remediation requirements, and continued their discussion on the collaborative practice agreement and compounding pharmacies.

Executive Officer's Report:

HAR Title 16, Chapter 95 – Status Report

The EO reported the rules were sent to our administrative services office to make non-substantive changes recommended from the Legislative Reference Bureau, and that upon receipt of a clean copy, and if the DAG has no recommendations, we will then forward them to the Small Business Regulatory Review Board for their consideration.

Conferences/Seminars/Meetings

NABP/AACP District 6,7 & 8 Meeting – September 14-17, 2015 Lake Tahoe, Nevada – Mary Jo Keefe

Ms. Keefe reported that the meeting was very interesting. The topics discussed were sterile compounding practice gaps and educational innovations; ACPE Doctor of Pharmacy standards; medicine cabinets and pharmaceutical controlled substance disposal; and medical marijuana.

RICO Pharmacy Advisory Committee

The Chair deferred discussion on this agenda item.

Emergency Preparedness/State of Emergency – Deferred from August 13, 2015 and September 17, 2015 Meetings

The EO stated she has not been able to meet with the DAG regarding this and asked if this discussion can be deferred.

Revised HRS Chapter 461 - Distribution

The Board members were provided with the September 2015 revised copy of Hawaii Revised Statutes, Chapter 461 Pharmacists and Pharmacy.

Report on Formulary Accessibility Working Group

The EO reported that she has been attending a working group that consists of the Insurance Commissioner, Gordon Ito, Dr. Flanders of the Hawaii Medical Association, Jennifer Diesman, Hawaii Medical Service Association and a representative from the Department of Health. The purpose of the working group is to make recommendations for a standard formulary template to be used by insurers on their own respective websites.

Correspondence:

Requirements for an Out-of-state Call Center

The Chair called on Ms. Keefe to lead the discussion on an email inquiry regarding out-of-state pharmacies acting as a call center for patients in Hawaii. According to the email, no dispensing would be occurring; technicians would be contacting patients and doctors for information, including address and phone verification, along with processing prescriptions. A licensed pharmacist would be present during all hours of operation.

The Board discussed the definition of "Practice of pharmacy" and determined that the activity of "processing prescriptions" fell within the definition.

The Board also determined that a Hawaii miscellaneous permit would be required for the out-of-state pharmacy out of which the pharmacy technicians would be working and that the activity described does fall within the scope of practice of a pharmacy technician pursuant to Hawaii Administrative Rules ("HAR") §16-95-86.

Ms. Noguchi asked if the supervising pharmacist would have to be a Hawaii licensed pharmacist?

After further discussion, it was the consensus of the Board to respond to the inquiry as follows:

The activity falls under the definition of "Practice of pharmacy" pursuant to Hawaii Revised Statutes ("HRS") §461-1; and also falls under the scope of practice of a pharmacy technician pursuant to HAR §16-95-86 and that in order for a pharmacy technician to contact patients and doctors for information, including address and phone number verification, process prescriptions under the immediate supervision of a registered pharmacist the following requirements must be met:

1. The Illinois pharmacy must apply for and obtain a Hawaii miscellaneous permit as an out-of-state pharmacy; and
2. The supervising pharmacist(s) must hold a Hawaii pharmacist license.

90 Day Fills

The Chair asked Dr. Ma to lead the discussion on an email inquiry asking, "When a prescriber writes a rx for 30 days with 2 refills on a non controlled drug, can a rph dispense a 90 day supply without calling the Dr?"

Dr. Ma pointed out that HAR §16-95-82 under valid prescriptions, it is not addressed.

The Chair asked Mr. Edwards if HRS § 328-16 addressed this?

Mr. Edwards responded that it is not specifically addressed nor is it prohibited.

After some discussion, it was the consensus of the Board that the pharmacy practice act does not specifically address whether it is permissible for a pharmacy to dispense a ninety day supply if the prescription writes for thirty days with two refills, however, a pharmacist may only dispense medications pursuant to a valid prescription.

Remote Order Processing/Telepharmacy

The Chair asked Dr. Chock to lead the discussion on a letter inquiring about the remote order processing/telepharmacy laws in Hawaii.

Dr. Chock referred to HRS §461-10.5 Remote dispensing pharmacy; operations.

The EO stated that she thought the intent for this section was for "in-state" pharmacies and institutional facilities and that this section states that is due to be repealed January 2, 2016 as the legislature determined that since only Waianae Coast Comprehensive Health Center was operating a remote dispensing pharmacy, the law should be repealed.

As for remote order processing, the Board determined previously that any out-of-state pharmacy performing remote order processing/entry would need to apply for and obtain a Hawaii miscellaneous permit and that the pharmacists performing such activity would have to hold a Hawaii pharmacist license.

Correspondence from Roadrunner Pharmacy Regarding Compounding of Animal Drugs

The Board reviewed a letter from Robert Eaton, Jr., President and CEO of Roadrunner Pharmacy in which he expresses his concerns with the FDA's proposed document "Guidance for Industry-Compounding Animal Drugs from Bulks Drug Substances". Mr. Eaton states that the guidance is restrictive to the veterinary community as it requires documenting clinical need on each prescription for compounded drugs; does not allow for office stock of compounded medicinals, sterile or otherwise; the prescriptions need to be pet specific (no flocks, fish or groups of shelter animals); and no allowance for dispensing of acute amounts from office stock and urges the Board to oppose the FDA guidelines.

The Chair referred the letter to the Laws and Rules Committee for their consideration and recommendation, if any.

Applications:

The Board moved into Executive Session.

Executive Session:

At 9:33 a.m. upon a motion by Ms. Keefe, seconded by Dr. Chock it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a) (1) and (4), "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 10:22 a.m. upon a motion by Ms. Keefe, seconded by Dr. Chock 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 10:22 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 **Valerie N. Henckel; PHA 2012-13-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "2"

The Chair recused herself.

Due to lack of quorum, the Adjudicatory Matter for **Valerie N. Henckel; PHA 2012-13-L** was deferred.

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 10:22 a.m.

Applications:

Ratification List

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

Applications

Pharmacy Intern

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

Andre Vo

Pharmacist

Upon a motion by the Chair, seconded by Ms. Keefe, it was voted on and unanimously carried to defer the following application for additional information:

Kimberly Bartholomew

Miscellaneous Permit

Upon a motion by the Chair, seconded by Dr. Chock, it was voted on and unanimously carried to approve the following application subject to receipt of verification of a current pharmacy license/permit:

DGN Pharmacy, Inc., dba Digino's Apothecary

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

Cottrill's Pharmacy, Inc.

Upon a motion by the Chair, seconded by Dr. Chock, it was voted on and unanimously carried to approve the following application by placing them on probation. The terms of the probationary license/permit are: compliance with the Alabama Board of Pharmacy's Final Order and notify the Board, within thirty days of any further restrictions imposed by the Alabama Board of Pharmacy or any other Board of Pharmacy:

Pharmacy Creations, LLC – Request for Reconsideration

RICO Pharmacy Advisory Committee

The Board deferred for more information from RICO.

Next Meeting: The Chair announced the next Board meeting as November 19, 2015 and asked if everyone was available.

November 19, 2015
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:22 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

10/23/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____

BOARD OF PHARMACY

October 22, 2015 Ratification List

Miscellaneous Permits (PMP)

Change of PIC

Pharmalabs LLC (PMP-859)

10901 Roosevelt Blvd. Ste. 200
St. Petersburg, FL. 33716
New PIC: Jeffrey L. Vaughan
Effective: 8/20/15

Med Quest Pharmacy (PMP-232)

699 W 900 N
N Salt Lake, UT. 84054
New PIC: Stefen Ray Osborn
Effective: 7/31/15

Topical Solutions Pharmacy LLC (PMP-1052)

20612 N Cave Creek Rd. #150
Phoenix, AZ. 85024
New PIC: Winifred Wong
Effective: 8/17/15

Diplomat Pharmacy Inc.

4100 S Saginaw St. Ste D
Flint, MI. 48507
New PIC: Gregory Jonas
Effective: 8/28/15

Lincare Pharmacy Services Inc. dba Reliant Pharmacy Services (PMP-281)

2335 Camino Vida Roble
Carlsbad, CA. 92009
New PIC: Eileen Hope
Effective: 8/21/15

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

18013 Sky Park Cir #D
Irvine, CA. 92614
New PIC: Amy Summers
Effective: 9/14/15

Foothills Professional Pharmacy Ltd (PMP-789)

4545 E Chandler Blvd. #100
Phoenix, AZ. 85048
New PIC: Nathan Riecke
Effective: 9/11/15

ARJ Infusion Services Inc. (PMP-1139)

10049 Lakeview Ave.

Lenexa, KS. 66219

New PIC: Andrea Carabetta

Effective: 7/20/15

Serve You Custom Prescription Management Inc. (PMP-33)

10201 Innovation Dr. Ste. 600

Milwaukee, WI. 53226

New PIC: Matthew E. Bantz

Effective: 9/15/15

Bioscrip Infusion Services Inc. (PMP-570)

320 S Flower St.

Burbank, CA. 91502

New PIC: Gevork Azatyan

Effective: 7/23/15

Park Irmat Drug Corp dba Irmat Pharmacy (PMP-915)

2 Park Ave.

New York, NY. 10016

New PIC: Aristidis Nikolitsis

Effective: 9/10/15

Halls IV & Institutional Pharmacy Inc. (PMP-981)

1000 W Weatherford St. Ste. 120

Fort Worth, TX. 76102

New PIC: Ramzi Batrice

Effective: 1/1/15

Curant Health Florida LLC (PMP-1013)

11001 Roosevelt Blvd. Ste. 1400

Saint Petersburg, FL. 33716

New PIC: Gregory Cerio

Effective: 9/17/15

Closure

Smart Pak Equine LLC (PMP-320)

40 Grissom Rd. Ste. 500

Plymouth, MA. 02360

Effective: 9/1/15

Relocation

Sentrix Pharmacy and Discount LLC (PMP-1009)

3285 W McNab Road

Pompano Beach, FL. 33069

Effective: 9/24/15

Florida Pharmacy Solutions Inc. (PMP-1025)

38444 5th Avenue
Zephyrhills, FL. 33542
Effective: 9/21/15

Pharmedium Services LLC (PMP-634)

36 Stults Road
Dayton, NJ. 08810
Effective: 10/5/15

Name Change

American Specialty Pharmacy (PMP-1020)

6407 S Cooper St. Ste. 113B
Arlington, TX. 76001
Effective: 9/8/15

Cardinal Health Specialty Pharmacy LLC (PMP-663)

7172 Columbia Gateway Dr.
Columbia, MD. 21046
Effective: 8/21/15

CUREXA (PMP-1183)

3007 Ocean Heights Ave.
Egg Harbor Township, NJ. 08234
Effective: 8/25/15

Trade Name Change

Pharmacy (PHY)

Change of PIC

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

41 E Lipoa St. #23A
Kihei, HI. 96753
New PIC: Hojung Nam
Effective: 8/23/15

Longs Drug Stores California LLC dba Longs Drugs #9835 (PHY-726)

2750 Woodlawn Dr.
Honolulu, HI. 96822
New PIC: Jamie Tomita
Effective: 9/20/15

Walgreen of Hawaii LLC (PHY-764)

2180 Main St. #102
Wailuku, HI. 96793
New PIC: Jamie Feeley
Effective: 9/18/15

Shiigi Drug Co Inc. (PHY-169)

333 Kilauea Ave. Ste. 109

Hilo, HI. 96720

New PIC: Shannon Ishigo-Hashiro

Effective: 3/1/15

Target Corporation (PHY-772)

74-5455 Makala Blvd.

Kailua-Kona, HI. 96740

New PIC: Nicole K. Miyahira

Effective: 9/15/15

Trade Name Change

Option Care Enterprises Inc. dba Option Care (PHY-835)

1121 S Beretania St. Ste. 102

Honolulu, HI. 96814

Effective: 9/1/15

Wholesale Prescription Drug Distributor (PWD)

Change of Facility Manager

Patterson Dental Supply Inc (PWD-139)

91-291 Kalaeloa Blvd. #1

Kapolei, HI. 96707

New FM: Debra Simpliciano

Effective: 7/14/15

LTYPE	LIC NUM	BP NAME PART 1
PH	3917	KRISTA R D <KIDO<
PH	3918	ALANA D <KIMBALL<
PH	3919	ERIKA M <CHOY<
PH	3920	REBECCA L <WARD<
PH	3921	SARA E <SHEDD<
PH	3922	JANELLE G <SIU<
PH	3923	TARA L <YUNKER<
PH	3924	AMY L <HAWKINS<
PH	3925	SARA S <KUMASAKA<
PH	3926	VALERIE D <POWELL<
PH	3927	DIANA C <LE<
PH	3928	JUSTIN <MACHIA<
PH	3929	AMY T <HERBRANSON<
PH	3930	CORY K <LEHANO<
PH	3931	HEEMYUNG <OAK<
PH	3932	ALLISON E <PANGANIBAN<
PH	3933	ERIN M <YAMASAKI<
PH	3934	VALENTINE C <DEKERMENDJIAN<
PH	3935	RAMON <TRAN TANG<
PH	3936	RICHARD <CHIEN<
PH	3937	WERONIKA M <FLIS<
PH	3938	ISAAC K <LAU<
PH	3939	KATHARINE E <TAMAI<
PH	3940	ABIGAIL G <WONG<

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		
				ST	BUSN ZIP	BP NAME PART 1
PHY	894	2155 KALAKAUA AVE STE 102	HONOLULU	HI	96815	LONGS DRUG STORES CALIFORNIA LLC
PHY	895	1441 KAPIOLANI BLVD STE #806	HONOLULU	HI	96814	5 MINUTE PHARMACY ALA MOANA LLC

LTYPE	LIC NUM	BUSN ADDR 1	BUSN CITY	BUSN		
				ST	BUSN ZIP	BP NAME PART 1
PMP	1196	18013 SKY PARK CIRCLE STE D	IRVINE	CA	92614	MESA PHARMACY INC
PMP	1197	100 TECHNOLOGY PARK STE 155	LAKE MARY	FL	32746	AVELLA OF ORLANDO INC
PMP	1198	14088 ALABAMA ST	JAY	FL	32565	JAY PHARMACY OF JAY FLORIDA INC
PMP	1199	3706 A 20TH ST	LUBBOCK	TX	79410	MAXOR NATIONAL PHARMACY SERVICES LLC
PMP	1200	1094 MAIN AVE	CLIFTON	NJ	07011	MAIN AVENUE CORP