

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

MINUTES OF MEETING

Date: Thursday, April 19, 2018

Time: 9:00 a.m.

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

Members Present: Julie Takishima-Lacasa, PhD, Vice Chair, Public
Marcella Chock, PharmD., Pharmacist
Mary Jo Keefe, RPh, Pharmacist
Carolyn Ma, PharmD., BCOP, Pharmacist
Kenneth VandenBussche, RPh, BCACP, Pharmacist
Ronald Weinberg, Public

Members Excused: Kerri Okamura, RPh, Chair, Pharmacist

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

Guests: Stacy Pi, Kaiser Permanente
Kellie Noguchi, Kaiser Permanente
Alanna Isobe, Safeway
Paul Smith, Walgreens
Tanya Demattia, CVS/Longs
Fred Cruz, CVS/Caremark
Ashok Kota, Foodland
Patrick Uyemoto, Times
Reece Uyeno, Pharmicare
Matt Tsujimura, SanHI Govt Strategies
Marissa Tanigawa, Oregon State University
Trang Le, Discovery Bay Pharmacy
Sue Ann Yasuoka, Times Waimalu Pharmacy
Wes Sumida, DKICP

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 Vice Chair called the meeting to order at 9:02 a.m.

The Vice Chair noticed an error in the agenda and moved to amend the agenda, specifically on page 2, under Chapter 91, HRS, Adjudicatory Matters should read:

In the Matter of the Pharmacy License to Practice Nursing of Apothecure, Inc, PHA-2014-12-L, Transmittal Memorandum filed on March 8, 2018, Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order Filed on May 16, 2017, and Board's Final Order

Dr. Ma seconded the motion, it was voted on and unanimously carried to amend the agenda for today's meeting.

Vice Chair's Report:

Announcements and Introductions

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

Approval of the Previous Minutes –March 15, 2018 Meeting

The Vice Chair called for a motion in regard to the minutes of the March 15, 2018 meeting.

There being no amendments, upon a motion by Mr. Weinberg, seconded by Dr. Ma, it was voted on and unanimously carried to approve the minutes for the March 15, 2018 meeting as circulated.

Executive Officer's Report:

Conferences/Seminars/Meetings

MPJE Item Development Workshop March 6-8, 2018

Mr. VandenBussche reported on his attendance at the MPJE Item Development Workshop he attended with Mark Brown.

NABP Annual Meeting, May 5-8, 2018

Ms. Keefe will be attending.

2018 Legislation

The EO reported on the status of the following bills:

SB 2247, SD1, HD2 Relating to Opioid Antagonists – Authorizes pharmacists to prescribe, dispense, and provide related education on opioid antagonists to individuals at risk of opioid overdose and to family members and caregivers of individuals at risk of opioid overdose without the need for a written, approved collaborative agreement; subject to certain conditions. Sunsets on 7/1/2021. (SB2247 HD2) – This bill is being discussed at a conference committee hearing this morning.

HB 2145, HD1, SD1 Relating to Medication Synchronization - Allows the synchronization of plan participants' medications. Requires plans, policies, contracts, or agreements that are offered by health insurers, mutual benefit societies, and health maintenance organizations and provide prescription drug benefits, to apply prorated daily cost-sharing rates for prescriptions dispensed by network pharmacies for less than a thirty-day supply. Repeals 7/1/2023. Effective 7/1/2050. (SD1) – This bill is going to conference. House conferees: Mizuno, Takumi, Kobayashi & Tupola, Senate conferees: Baker, Espero & Ihara

SB 2298, SD2, HD3 Relating to Healthcare Preceptor Tax Credits –Allows advanced practice registered nurses, physicians, dentists, psychologists, pharmacists, physical therapists, and social workers to receive tax credits for acting as preceptors in volunteer-based supervised clinical training rotations provided to eligible students or trainees that enable the students or trainees to obtain an eligible healthcare professional degree or certificate. Establishes the Preceptor Credit Assurance Committee to issue certificates to volunteer preceptors upon verifying that the volunteer preceptors meet the requirements of the tax credit. (SB2298 HD3) – This bill is being discussed at a conference committee hearing this morning. House conferees: Mizuno, Takumi, Luke, Kobayashi & Tupola, Senate conferees: Baker, English, Nishihara, Ruderman and Tokuda

SB 2774, SD1, HD1 Relating to Insurance – Updates various areas of the State's insurance laws to: adopt the NAIC's Corporate Governance Annual Disclosure Model Act beginning on 1/1/2020; allow the Department of Commerce and Consumer Affairs and the Insurance Commissioner to determine whether a request to add or change a trade name or assumed name satisfies certain requirements; clarify certain provider reimbursement requirements; adopt revisions to the Insurance Holding Company System Regulatory Act beginning on 1/1/2020; provide the Insurance Commissioner with additional regulatory authority to supervise or liquidate a captive insurer; enable the Insurance Division to create stopgap measures, until 12/31/2020, to implement the Network Adequacy Model Act; and make various housekeeping amendments to clarify existing language and avoid ambiguities. (SB2774 HD1) – This bill is going to conference.– House conferees: Takumi, Cullen, Ito & McDermott

HB 1602, HD2, SD1 Relating to Opioids - Requires the inclusion of a label warning of the risks of addiction and overdose on the packaging of any opioid drug dispensed by a health care professional or pharmacist. Requires a health care professional or pharmacist to also include the warning in an acknowledgment signed by the patient or person receiving the opioid drug for the patient. Effective 7/1/2050. (SD1) – This bill is going to conference. House conferees: Mizuno, Takumi, Learmont & Tupola

SB3104, SD2, HD2 – Relating to Pharmacy Benefit Managers - Establishes requirements for pharmacy benefit managers and maximum allowable cost, including the ability of pharmacies to receive comprehensive maximum allowable cost lists and bring complaints within the purview of the Department of Commerce and Consumer Affairs, rather than the Department of Health. Requires pharmacy benefit managers to disclose where an equivalent drug can be obtained at or below the maximum allowable cost when a maximum allowable cost is upheld on appeal. Allows contracting pharmacies to reverse and rebill claims if the pharmacy benefit manager establishes a maximum allowable cost that is denied on appeal and is required to pay the difference to the contracting pharmacies. Preserves the prohibition of a contracting pharmacy from disclosing the maximum allowable cost list and related information to any third party. (SB3104 HD1) –

This bill is going to conference. House conferees: Mizuno, Takumi, Cullen, Morikawa & Tupola

HB 2739, HD1 – Relating to Health - Establishes a regulated process under which an adult resident of the State with a medically confirmed terminal disease and less than six months to live may choose to obtain a prescription for medication to end the patient's life. Imposes criminal sanctions for tampering with a patient's request for a prescription or coercing a patient to request a prescription. (HB2739 HD1) – This bill was signed into law, Act 2, SLH 2018.

The EO stated that she recommends the Board review and determine if any guidelines are perhaps needed for pharmacists filling these prescriptions.

The Vice Chair stated that this version of the bill provides for adequate protection for the patient and includes an acceptable level of assessment.

HCR 145, HD1/SCR 135, SD1 - REQUESTING THE BOARD OF PHARMACY TO CONVENE A WORKING GROUP TO REVIEW THE CURRENT SCOPE OF PRACTICE, LICENSING REQUIREMENTS, AND CONTINUING EDUCATION REQUIREMENTS FOR PHARMACISTS AND CONSIDER WHETHER THE SCOPE OF PRACTICE AND CORRESPONDING LICENSING REQUIREMENTS FOR PHARMACISTS SHOULD BE ENHANCED.

The EO stated that she would recommend that the Board consider appointing/naming members of the working group who were actively involved in testifying on HB 1950 and HCR 145/SCR 135, however, this does not preclude anyone else who is interested from participating and attending the “open” meetings.

Revisions to Pharmacist’s Corresponding Responsibility Guidance Statement - Draft

The Board reviewed recommendations amending the current guidance statement from the Chair and DAG.

After some discussion, it was the consensus of the Board to amend the current guidance statement as follows:

Page 2, the addition of “disclaimer” language;

Page 6, adding “addiction and dependency and” to “Risk factors”; and

Page 9, delete “Opioid Overdose and How to Use Naloxone” graphic

Pharmacists Continuing Education Audit – Report

The EO reported that approximately 150 audit letters were sent to pharmacists and that she would like to remind everyone that we will accept the CPE monitor transcript that list the CE courses taken between January 1, 2017 through December 31, 2018 in lieu of the actual completion certificates.

Correspondence: **Inquiry on Validity of Prescription of a Deceased/Retired Provider**

The Vice Chair asked Dr. Chock to lead the discussion on the following email inquiry:

My name is Mariya Zhudeva and I am a pharmacy intern currently working on updating the policy for Briovarx Specialty Pharmacy. I am reaching out because I would like to ask you what your state law is regarding the prescriptions' validity and/or expiration dates that are written from providers who are deceased or retired.

Dr. Chock stated that except for HAR §16-95-82, she didn't see provisions in the pharmacy practice act nor in HRS Chapter 328 that specifically addressed this issue.

Ms. Keefe stated that if a pharmacist is presented with a "valid" prescription they should use their professional judgement.

The Vice Chair stated that she did some checking and found that in other states, the reasonable time for the validity of a prescription once a prescriber is deceased/retired was 30 – 90 days.

Ms. Isobe stated that she previously asked the Hawaii Medical Board this question and was informed that she was told the prescription would be valid but when she checked with them again last year was informed that the prescription was invalid. She also posed the same question to the Narcotics Enforcement Division ("NED") and was informed that the prescription for a controlled substance would be invalid once the prescriber is deceased.

After further discussion, the Board requested that the EO ask the other Boards and the NED on their position on the validity of a prescription once the prescriber passes away or retires.

This matter was deferred until further information can be obtained from the other Boards and NED.

Chapter 91, HRS
Adjudicatory Matters

The Vice Chair called for a recess of the meeting at 9:40 a.m. to discuss and deliberate on the following adjudicatory matter(s) pursuant to Chapter 91, HRS:

In the Matter of the License to Practice Nursing of **Apothecure, Inc, PHA-2014-12-L**, Transmittal Memorandum filed on March 8, 2018, Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order Filed on May 16, 2017, and Board's Final Order

Upon a motion by Dr. Ma, seconded by Mr. VandenBussche, it was voted on and unanimously carried to approve the Board's Final Order for **PHA-2014-12-L**.

Following the Board's review, deliberation, and decision in this matter, pursuant to Chapter 91, HRS, the Vice Chair announced that the Board was reconvening its scheduled meeting at 9:48 a.m.

Executive Session: At 9:48 a.m., upon a motion by the Vice Chair, seconded by Mr. VandenBussche, it was voted on and unanimously carried to move into executive session pursuant to §92-4 and §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 9:59 a.m., upon a motion by Mr. Weinberg, seconded by Dr. Chock, it was voted on and unanimously carried to move out of executive session.

Applications: **Ratification Lists**

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

Applications

Pharmacist(s)

Upon a motion by Mr. Weinberg, seconded by Dr. Ma, it was voted on and unanimously carried to approve the following pharmacist applications:

Carol A. Zinke

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

Mark K. Miles

Next Meeting: Thursday, May 17, 2018
9:00 a.m.
Queen Liliuokalani Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

The Vice Chair confirmed that everyone can attend.

Adjournment: With no further business to discuss, the Vice Chair adjourned the meeting at 10:02 a.m.

Taken and recorded by:

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

4/20/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____

BOARD OF PHARMACY RATIFICATION LIST

April 19, 2018

Pharmacist (PH)

PH 4288 PAULINE <TRAN<

PH 4289 JOANNE D <O'KANE<

PH 4290 KEVIN L <STEGER<

PH 4291 MICHAEL M <DEAL<

Pharmacy (PHY)

PHY 919 84-1160 FARRINGTON HWY WAIANAE HI 96792 LONGS DRUG STORES CALIFORNIA LLC