

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

**MINUTES OF MEETING**

Date: Thursday, October 18, 2018

Time: 9:00 a.m.

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

Members Present: Kerri Okamura, RPh, Chair, Pharmacist  
Alanna Isobe, Pharmacist  
Carolyn Ma, Pharmacist  
Kenneth VandenBussche, RPh, BCACP, Pharmacist  
Ronald Weinberg, Public Member

Members Excused: Julie Takishima-Lacasa, PhD, Vice Chair, Public  
Mary Jo Keefe, RPh, Pharmacist

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

Guests: Patrick Uyemoto, Times/HPhA  
Kellie Noguchi, Kaiser Permanente  
Paul Smith, Walgreens  
Andrew Vandenmause, Wisconsin  
Preston Young, NED Pharmacy Intern  
Jared Redulla, Narcotics Enforcement Division  
Tiffany Yajima, Ashford/Wriston/Walgreens  
Christina McKinnon, Option Care  
Ashok Kota, Foodland  
Fred Cruz, CVS Caremark  
Anne Wheelock, Times

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, the Chair called the meeting to order at 9:01 a.m.

Chapter 91, HRS  
Adjudicatory Matter(s): At 9:02 a.m., the Chair called for a recess pursuant to Chapter 91, HRS to discuss and deliberate on the following adjudicatory matters:

In the Matter of the Pharmacist License of **Mimi N. Clayton, PHA 2018-26-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final order; Exhibits "1"

Upon a motion by Dr. Ma, seconded by Mr. Weinberg, it was voted on and unanimously carried to approve the Board's Final Order.

In the Matter of the Miscellaneous Permit for **University Rx Specialists Inc., dba University Compounding Pharmacy, PHA 2017-80-L**, Request for Early Termination of Probation

Upon a motion by Dr. Ma, seconded by Mr. Weinberg, it was voted on and unanimously carried to approve the request to terminate probation.

Following the Board's review, deliberation, and decision in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 9:09 a.m.

Executive Session: At 9:09 a.m., upon a motion by Dr. Ma, seconded by Mr. Weinberg, 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 9:18 a.m., upon a motion by Ms. Isobe, seconded by Mr. VandenBussche, it was voted on and unanimously carried to move out of executive session.

Applications: **Ratification Lists**

Upon a motion by the Dr. Ma, seconded by Mr. Weinberg, it was voted on and unanimously carried to approve the attached ratification list(s).

### **Applications**

#### Miscellaneous Permit

The Chair stated that the following application is deferred for further information:

ProCare Pharmacy, LLC, dba CVS/Pharmacy #10762

Upon a motion by the Chair, seconded by Mr. Weinberg, it was voted on to approve the following miscellaneous permit application(s):

Western Pharmacy Group, LLC, dba Community Medical Center Pharmacy

Upon a motion by the Chair, seconded by Mr. VandenBussche, it was voted on and unanimously carried to approve the following application(s) with conditions:

Edge Pharmacy Services LLC (excludes Pharmacist B. Badgley)

Chair's Report

**Announcements and Introductions**

The Chair excused the Vice Chair and Ms. Keefe and asked the audience to introduce themselves.

**Approval of the Previous Minutes – September 20, 2018 Meeting**

The Chair called for a motion for the minutes of the September 20, 2018 meeting. There being no substantive amendments, upon a motion by Mr. Weinberg, seconded by Mr. VandenBussche, it was voted on and unanimously carried to approve the minutes for the September 20, 2018 meeting as circulated.

Executive Officer's Report:

**Conferences/Seminars/Meetings**

NABP/AACP Districts VI, VII & VII (Annual Meeting, October 14, 17, 2018, Kansas City, Missouri

The EO stated that Ms. Keefe is currently attending this meeting.

**2019 Legislation**

Relating to Reimbursement of Pharmacists and APRNs

The EO stated that because the proposed amendments are to the insurance statutes, she's waiting to see if the Insurance Division will be resubmitting their admin bill for the 2019 Legislative Session.

**Amendments to Title 16, Chapter 95**

Return for Disposal, HAR §16-95-87

The EO stated that at the last Pharmacy Working Group meeting, the group discussed possible amendments to HAR §16-95-87 to allow pharmacies to take back drugs strictly for disposal purposes, including controlled substances.

The Board discussed although there is reference to the CFR regarding disposal of controlled substances that perhaps including specific prohibitions, including but not limited to drugs returned shall not be returned to stock, etc, and registration requirements for the pharmacy who chooses to be a reverse distributor.

The EO asked the Board members to email any recommendations by November 1, 2018.

### **Revisions to Pharmacist's Corresponding Responsibility Guidance Statement - Draft**

The EO stated she will email the latest draft to the Chair and Ms. Isobe who volunteered to help make the necessary updates to the guidance document.

### **Pharmacists Continuing Education Audit – Report**

No changes to previous report.

### **Working Conditions Survey**

The EO stated that she can check to see if a link to the survey can be included when the pharmacists renew in 2019. She stated that when nurses renew, there is a link to a workforce survey, that is not mandatory, but informs the nurse of how important it is for the information and encourages the nurse to complete the survey before or after they renew online.

It was the consensus of the Board to direct the EO to report back if this was possible.

### **State Board of Pharmacy ACPE CPE Activity**

No changes to previous report.

### **Working Solutions, October 2018 Issue**

A copy of the issue was distributed to the Board members for their information.

### **2019 Board Meeting Schedule - Tentative**

A copy of the schedule was distributed to the members for their information.

The EO pointed out that the February meeting was not rescheduled to an earlier date so that the Board may discuss any legislative measures.

Dr. Ma stated that normally the Board holds their February meeting with the DKICOP students but that she would not be available for the February 21, 2018 meeting.

After some discussion, it was the consensus of the Board to reschedule their February 2019 meeting to February 14, 2019.

### **Report on Pharmacy Working Group's September 20, 2018 Meeting**

The EO reported on the September 20, 2018 Pharmacy Working Group Meeting that included the following:

- Recommendations for clarification to the Opioid Antagonist law that passed and was enacted into law this year;

- Discussion on the Medication Aid in Dying – Deferred
- Updates/Additional Information on the definition of “Practice of pharmacy”; lab test performed by pharmacists; return for disposal; chronic care management by pharmacists; EMR update to PCPs; Providership status; and Board approved pilot and demonstration research projects for safe and innovative application in pharmacy practice.

Correspondence:

**National Association of Boards of Pharmacy (“NABP”)**

The Chair asked Ms. Isobe to lead the discussion on the following:

News Roundup - September 2018

Ms. Isobe pointed out the following:

***Idaho Implements New Continuation of Therapy Rule***

Idaho Administrative Code [27.01.03.303.03\(b\)](#) took effect on July 1, 2018, and states, "A pharmacist may refill a prescription for a non-controlled drug one (1) time in a six (6)-month period when the prescriber is not available for authorization. In such cases, a pharmacist may dispense a refill up to the quantity on the most recent fill or a thirty (30)-day supply, whichever is less."

***Tennessee Establishes Legislation Regarding Opioid Misuse, Licensing Entities, and More***

The Tennessee Legislature passed several bills related to the regulation of controlled substances (CS), licensing entities, facilities that handle medical devices, and more. The following is a summary of several of those changes.

More information about these legislative changes is available in the Tennessee Board of Pharmacy’s September 2018 Newsletter.

**Public Chapter 675**

This act requires the Tennessee Department of Health (TDH) to accept allegations of opioid abuse or diversion and for TDH to publicize a means of reporting allegations.

Any entity that prescribes, dispenses, or handles opioids is required to provide information to employees about reporting suspected opioid abuse/diversion. That notice is to either be provided individually to the employee in writing and documented by the employer or by posting a sign in a conspicuous, non-public area of minimum height and width.

Whistleblower protections are also established. An individual who makes a report in good faith may not be terminated or suffer adverse licensure action solely based on the report. The individual is also immune from any civil liability related to a good faith report.

This act takes effect January 1, 2019.

**Public Chapter 744**

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans if a medical hardship significantly contributed to the default or delinquency.

This act takes effect January 1, 2019.

#### Public Chapters 745 and 793

These public chapters work together to create and implement the “Fresh Start Act.” Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. The requirements on the licensing authorities are laid out, as well as the exceptions to the law (eg, rebuttable presumption regarding A- and B-level felonies).

These acts took effect July 1, 2018.

#### Public Chapter 883

This act lays the framework for e-prescribing practices in the state and the exceptions from electronic prescriptions. It requires that all Schedule II prescriptions be e-prescribed by January 1, 2020, except under certain circumstances.

This act took effect May 3, 2018, for rule purposes, and goes into effect January 1, 2019, for all other purposes.

#### Public Chapter 901

This act requires that prior to prescribing more than a three-day supply of an opioid or an opioid dosage that exceeds a total of 180 morphine milligram equivalent to a woman of childbearing age (15-44 years old), a prescriber must do the following:

1. Advise of risks associated with opioid use during pregnancy;
2. Counsel patient on effective forms of birth control; and
3. Offer information on availability of free or reduced cost birth control.

These requirements do not apply if the patient was previously informed by the prescriber in the previous three months or the prescriber reasonably believes the patient is incapable of becoming pregnant. Requirements may be met with a patient under 18 years of age by informing the parent of the patient.

TDH is to publish guidance to assist prescribers in complying with this act.

This act took effect July 1, 2018.

#### Public Chapter 954

This legislation requires the initial licensure fee for low-income persons to be waived. Low-income individuals, per the statute, are defined as persons who are enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, Medicaid, and Supplemental Nutrition Assistance Program. All licensing authorities are required to promulgate rules to effectuate the purposes of this act.

This act takes effect January 1, 2019.

#### Public Chapter 1015

This legislation lays out the specific requirements for hospitals to notify law enforcement of involuntary commitments as well as the possible penalties for failure to comply. Inspections of hospitals by the Department of Mental Health and TDH shall include a determination of the hospital's compliance with the reporting requirements of this act.

The act also allows a pharmacist the right to provide information to an insured individual regarding the amount of the insured individual's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be penalized by a pharmacy benefits manager for discussing such information or selling a lower priced drug if one is available. This act took effect July 1, 2018.

#### Public Chapter 1029

This act requires the Board to promulgate rules regarding the Board's oversight of facilities that manufacture, warehouse, and distribute medical devices. Rulemaking was slated to begin no later than September 1, 2018. The rulemaking process was slated to include the formation of an advisory committee composed of medical device industry representatives and a representative of the Department of Economic and Community Development.

This act took effect July 1, 2018.

#### Public Chapter 1040

This act revises various provisions of the law regarding CS and their analogues and derivatives, including updating identifications of drugs categorized in Schedules I-V. The act also creates an offense for the sale or offer to sell kratom, unless it is labeled and in its natural form. It is also an offense to distribute, offer for sale, or sell kratom to a person under 21 years of age. It is also an offense to purchase or possess kratom if under 21 years of age.

This act took effect July 1, 2018.

#### ***Virginia Provides Update on Pharmaceutical Processors***

A pharmaceutical processor is a facility that operates under pharmacist oversight and has obtained a permit from the Virginia Board of Pharmacy, pursuant to Section 54.1-3408.3, to cultivate cannabis plants for the production and dispensing of cannabidiol oil or THC-A oil. A physician registered with the Board may issue a written certification for the oils to a patient for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the physician to benefit from such use. The written certificate provides an affirmative defense for possessing the oils. Patients, along with parents and guardians of minors or incapacitated adults, must also register with the Board. The online registration application process for physicians, patients, and parents/guardians was implemented on July 30, 2018.

The pharmaceutical processor permits will be awarded through a competitive application process, as the law authorizes the Board to issue or renew in any year a maximum of five pharmaceutical processor permits, one for each health service area established by

the Virginia Board of Health. The application process for the pharmaceutical processor permits will occur in three stages: the submitting of initial applications, awarding of conditional approval(s), and granting of pharmaceutical processor permit(s).

The Board received 51 applications prior to the June 8, 2018 request for application deadline. An ad hoc committee has been appointed by the Board chairman to evaluate the applications. The Board will then consider the committee's recommendations and inform those applicants to be awarded conditional approval to complete criminal background checks. The Board will review the criminal background results and finalize the awarding of the conditional approval tentatively on October 25, 2018, or November 28, 2018, depending on the receipt of all background results.

The Board was slated to adopt permanent regulations for the pharmaceutical processor program on September 25, 2018, in order to replace the emergency regulations. Additional information, including FAQs, laws, and regulations, may be accessed at [www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing/default.htm](http://www.dhp.virginia.gov/pharmacy/PharmaceuticalProcessing/default.htm).

### **Medication Therapy Management Services Inquiry**

The Chair asked Mr. VandenBussche to lead the discussion on the following inquiry:

1. Do MTM services require a pharmacy license in your state, if performed by a non-resident entity?
2. And if MTM services are performed by pharmacists or techs/interns/students at the non-resident entity, does your state require those pharmacists or techs/interns/students to be licensed in your state?

Please cite to any relevant statutes, regulations, bulletins, or board hearings that apply.

Mr. VandenBussche stated that he went through the laws and rules and although the pharmacy laws or rules do not specifically refer to "MTM" or medication therapy management, he did find that under the definition of "Practice of pharmacy" in HRS 461, (2)(H) states, 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 licensed advanced practice registered nurse with prescriptive authority, 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:

- (H) Providing consultation, information, or education to patients and health care professionals based on the pharmacist's training and for which no other licensure is required;

The Chair stated that the Board previously determined that based on the pharmacy laws and rules, if a pharmacist is providing MTM services from within an out-of-state pharmacy, then the out-of-state pharmacy will have to obtain a Hawaii Miscellaneous



Permit as an out-of-state pharmacy that would include the pharmacist, but if the pharmacist in another state is providing MTM from a location that is not within a licensed/permitted pharmacy, then the pharmacist will have hold a Hawaii pharmacist license in order to perform the MTM.

It was the consensus of the Board to refer the inquirer to the definition of "Practice of pharmacy" (2)(H) and to inform her of the Board's previous determination.

**Board Member Training: Board Member Disaster/Emergency Preparedness**

The Board viewed the **AVOID/DENY/DEFEND** training video developed by Advance Law Enforcement Rapid Response Training (ALERRT™): *The intuitive, easy-to-remember three step plan for survival in the event of an active shooter event or other public acts of violence*. The training video may be viewed at: <https://youtu.be/j0lt68YxLQQ>.

**DCCA Board Member Emergency Procedures**

Additional handouts were distributed to the Board members to include in their manual.

**Next Meeting:** Thursday, November 15, 2018  
9:00 a.m.  
Queen Liliuokalani Conference Room, First Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

The Chair asked if everyone could attend.

Dr. Ma said she would check and get back to the Chair/EO.

**Adjournment:** With no further business to discuss, the Chair adjourned the meeting at 10:04 a.m.

Taken and recorded by:

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

10/8/18

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_

## Board of Pharmacy Ratification List for October 18, 2018

### Pharmacist (PH)

PH 4330 MARCIE H <WOODBURY<  
PH 4331 WALTER T <GARDIPEE<  
PH 4332 JONATHAN H C <KATAOKA<  
PH 4333 KELSY K <KAM<  
PH 4334 CARA R <ROZELL<  
PH 4335 ASHLEY M <MCCORMICK<  
PH 4336 JEREMY RICK J <LOZANO<  
PH 4337 ANA M <PARK<  
PH 4338 MARISSA K <TANIGAWA<  
PH 4339 AMBER J K <UTO<  
PH 4340 JEANNIE H <KINOSHITA<  
PH 4341 LAUREN E K <CHUN<  
PH 4342 GARRET H L <HINO< JR  
PH 4343 MARK ALLEN T <BIBERA<  
PH 4344 BRITNEY M <LAU<  
PH 4345 PATRICE A <BABA<  
PH 4346 JASON F <FLANDERS<  
PH 4347 CHELSEA K <AIPOALANI<  
PH 4348 CHRISTOPHER H <NAKAGAWA<  
PH 4349 ROBBY-SEAN E <CAYETANO<

### Miscellaneous Permit (PMP)

PMP 1524	8775 SOUTH GESSNER RD	HOUSTON	TX	77074	MACE RX PHARMACY LLC
PMP 1525	1229 US 41 BYPASS SOUTH	VENICE	FL	34285	VENICE PHARMACY LLC
		ROANOKE			
PMP 1526	107 SMITH CHURCH RD STE A	RAPIDS	NC	27870	DDP PHARMACY INC
PMP 1527	947 W WATERLOO RD	AKRON	OH	44314	AMERICA'S PHARMACY SOURCE LLC
PMP 1528	2434 SPERRY DR 2ND FLOOR	WESTLAKE	OH	44145	EZ SCRIPTS
	704 QUINCE ORCHARD RD STE				
PMP 1529	150	GAITHERSBURG	MD	20878	CAREMETX HEALTH LLC
PMP 1530	20423 KUYKENDAHL RD STE 250	SPRING	TX	77379	ASTRO RX LLC
PMP 1531	2400 SAND LAKE RD STE 200	ORLANDO	FL	32809	OASIS PHARMACY EAST INC
PMP 1532	2600 N STEMMONS FWY STE 176	DALLAS	TX	75207	ISA MANAGEMENT SERVICES LLC
PMP 1533	1911 CHURCH ST STE 202	NASHVILLE	TN	37203	RARX LLC
PMP 1534	480 WEST 83RD ST	HIALEAH	FL	33014	AGROPEC TRADING LLC

**Pharmacy (PHY)**

		1150 SOUTH KING ST STE				
<b>PHY</b>	<b>924</b>	1105	HONOLULU	HI	96814	HAWAII-RX LLC
<b>PHY</b>	<b>925</b>	95 MAHALANI ST ROOM 10	WAILUKU	HI	96793	MAUI PHARMACY SOLUTIONS LLC