

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

MINUTES OF MEETING

Date: Thursday, November 15, 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
Julie Takishima-Lacasa, PhD, Vice Chair, Public
Mary Jo Keefe, RPh, Pharmacist
Alanna Isobe, Pharmacist
Ronald Weinberg, Public Member

Members Excused: Carolyn Ma, Pharmacist
Kenneth VandenBussche, RPh, BCACP, Pharmacist

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

Guests: Aaron Lee, Walgreens
Catalina Cross, Times
Patrick Uyemoto, Times/HPhA
Kellie Noguchi, Kaiser Permanente
Paul Smith, Walgreens
Tiffany Yajima, Ashford/Wriston/Walgreens
Ashok Kota, Foodland
Fred Cruz, CVS Caremark
Anne Wheelock, Times
Tanya Demattis, CVS Health
Reece Uyemoto, Pharmicare Hawaii

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 9:07 a.m.

Chair's Report

Announcements and Introductions

The Chair excused Dr. Ma and Mr. VandenBussche and asked the audience to introduce themselves.

Approval of the Previous Minutes –October 18, 2018 Meeting

The Chair called for a motion for the minutes of the October 18, 2018 meeting.

There being no substantive amendments, upon a motion by Mr. Weinberg, seconded by the Vice Chair, it was voted on and unanimously carried to approve the minutes for the October 18, 2018 meeting as circulated.

Chapter 91, HRS
Adjudicatory Matter(s):

At 9:09 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 **Mark A. Flanary, PHA 2018-21-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final order; Exhibits "1"

Upon a motion by the Vice Chair, seconded by Ms. Keefe, it was voted on and unanimously carried to approve the Board's Final Order.

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 9:15 a.m.

Executive Session:

At 9:15 a.m., upon a motion by Mr. Weinberg, seconded by Ms. Isobe, 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 9:20 a.m., upon a motion by Mr. Weinberg, seconded by Ms. Keefe, it was voted on and unanimously carried to move out of executive session.

Applications:

Ratification Lists

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

Applications

Miscellaneous Permit

Upon a motion by the Chair, seconded by the Vice Chair it was voted on and unanimously carried to approve the following miscellaneous permits:

Kaiser Foundation Health Plan of Washington (Pharmacists: Thanh-Truc Vu
Nguyen and Steven A. Aahl)
ProCare Pharmacy, LLC, dba CVS/Pharmacy #10762

Executive Officer's
Report:

Conferences/Seminars/Meetings

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

Ms. Keefe reported on her attendance and stated that the main focus was Teamwork-
Innovate, Integrate and Motivate. Ms. Keefe went over a few key topics that were
discussed including:

- Obstacles to Opportunity-Opioid Regulations for Pharmacist and Prescribers
 - Reviewed the opioid epidemic, legislative history and reasons behind the initiative from a patient's point of view.
- Trustable Professional Activities & the Pharmacist Patient Care Process
 - Looked at pharmacy students and gauging if new graduates are ready for pharmacy practice and how to evaluate it.
- Future Trends and Technology in Pharmacy
 - Reviewed topics like genetic information, 3D pill processing, medication management, drone delivery, and telepharmacy.
- Prescribing Technician Practice and Changes
 - Looked at the role of technicians and their scope of practice.

2019 Legislation

Relating to Opioid Antagonist

The EO reported that there being no further recommendations by the Board or the Pharmacy Working Group, she will be submitting the recommended amendments to Senator Baker, Representatives Mizuno and Ohno to allow the name on the prescription be of the individual who is requesting the opioid antagonist. The current law restricts the name on the prescription to the individual who is to be treated with the opioid antagonist. Another amendment allows the pharmacy to dispense the opioid antagonist to an individual requesting the opioid antagonist.

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.

She stated that she made further revisions to HAR §16-95-87 pursuant to the Board's previous discussion that include that the pharmacy be registered with the DEA as a registered authorized collector pursuant to 21 C.F.R, §1317-40 and that no prescription drug returned to the pharmacy for disposal may be redispensed or returned for credit, that the pharmacy shall utilize secured collection receptacles and/or mail-back program

and that the PIC is responsible for ensuring that only DEA approved reverse distributors are responsible for the collection receptacles and mail back programs.

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.

Report on Pharmacy Working Group's October 18, 2018 Meeting

The EO reported on the following discussions at the October 18, 2018 Pharmacy Working Group Meeting:

- As previously reported, draft amendments to opioid antagonist law, ready to submit to Legislators;
- Conversation with Lorrin Kim, Department of Health on the new medication aid in dying law and pharmacist's role, including pharmacist's legal right to fill prescription (*the new law provides for immunity for "health care providers", includes pharmacists, APRNs not allowed to prescribe under new law; law is silent regarding prescription; Oregon law requires the prescription be sent directly to the pharmacy and not issued to the patient; prices of the drugs is high and may also require compounding; law enforcement is responsible for taking back unused drugs for disposal, not the pharmacy and pharmacy unable/not required to confirm availability of "seconal*);
- Still waiting to hear about status of insurance bill;
- Review of draft language pertaining to "Board approved pilot and demonstration research projects for safe and innovative application in pharmacy practice"
- Return for disposal, previously discussed; and

- Discussion on EMR updated to PCP

Balanced Living, November 2018 Issue

Correspondence:

Cannabidiol Products

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

“Hello, my name is James Gary and I am a 4th-year pharmacy student from Tennessee. I have been given an APPE project to determine the legality of cannabidiol (CBD) containing products extracted from hemp in each individual state. Court cases such as U.S. v. McIntosh, No. 15-10117 (9th Cir. Ct. App.) (Aug. 16, 2016) and pushes from Congress to protect CBD by including language to better define and differentiate hemp and hemp extracts in the new 2018 Farm Bill soon to be voted on shows the growth of use. CBD has been shown to have anxiolytic, antiepileptic and antipsychotic properties, among other effects and be useful for several disease states^{1,2}. **What is the board's current view on CBD products in your state and which resource helped to come to this conclusion?** Any information you provide would be most helpful and appreciated.

1. Zuardi AW. Cannabidiol: from an inactive cannabinoid to a drug with wide spectrum of action. Rev Bras Psiquiatr. (2008) 30:271–80. 10.1590/S1516-44462008000300015 [PubMed] [Cross Ref]
2. Crippa JA. Translational Investigation of the Therapeutic Potential of Cannabidiol (CBD): Towards a New Age. Front Immunol. (2018) 9: 2009. DIO: 10.3389/fimmu.2018.02009”

Ms. Keefe explained that the definition of marijuana in HRS 329-1 states:

"Marijuana" means all parts of the plant (genus) Cannabis whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Ms. Keefe stated that since cannabidiol or CBD is derived from cannabis or marijuana, defined in HRS 329-1 and that marijuana is still a schedule 1 controlled substance under federal regulations and the State does have a medical marijuana law, the Board does NOT have a “view” nor take any position on this matter.

The Board agreed with Ms. Keefe’s conclusion.

Validity of Prescription Refills When a Prescriber Dies, Discontinues Business or Professional Practice, or Has His/Her Professional License Revoked or Suspended

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

‘What is the Hawaii Board of Pharmacy’s position on prescription refills when a prescriber dies, discontinues business or professional practice, or has his/her professional license revoked or suspended? There are states where all refills are void if the prescriber’s

license becomes inactive and with the cost of drug regimens such as for Hepatitis C, recoupment of fees by payers is expensive. Some payers assume all states have the same rule. Your interpretation is appreciated.”

Ms. Isobe stated that a similar inquiry was previously discussed at the Board’s April 2018 meeting regarding a deceased or retired provider and at that time she was unable to get a consensus from the Hawaii Medical Board but was informed by Narcotics Enforcement Division that a prescription for a controlled substance would be invalid once the prescriber is deceased.

After some discussion, it was the consensus of the Board that pharmacists should use their “professional judgment” when refilling a prescription written by a prescriber who is now deceased or is no longer practicing. If a prescriber’s license to practice is revoked or suspended, the pharmacist should check with the appropriate licensing Board.

The EO stated she would send an email to the appropriate licensing Boards to ask their “opinion” on this matter.

Next Meeting: Thursday, **January 17, 2019**
9:00 a.m.
Queen Liliuokalani Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:56 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 _____