

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

**MINUTES OF MEETING**

Date: Thursday, April 18, 2019

Time: 9:00 a.m.

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

Members Present: Carolyn Ma, Pharmacist– Chair Pro Tem  
Julie Takishima-Lacasa, PhD, Public Member – Vice Chair  
Alanna Isobe, Pharmacist  
Mary Jo Keefe, RPh, Pharmacist  
Kenneth VandenBussche, RPh, BCACP, Pharmacist

Members Excused: Ronald Weinberg, Public Member

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

Guests: Stacy Pi, Kaiser Permanente  
Paul Smith, Walgreens  
Nancy Wong, DKICOP Student  
Catalina Cross, Times Pharmacy  
Athena Borhauer, DKICOP Student  
Carla Felix, DKICOP Student  
Reece Uyeno, Pharmicare Hawaii  
Corey Fujii, ESI Accredo  
Patrick Uyemoto, Times Pharmacy  
Jeremy Miranda, Creighton School of Pharmacy Student  
Tiffany Yajima, SanHi/Walgreens  
Sean Chu, Walmart

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 Pro Tem called the meeting to order at 9:00 a.m.

Chair Pro Tem's Report **Announcements and Introductions**

The Chair Pro Tem excused Mr. Weinberg and asked the audience to introduce themselves.

**Approval of the Previous Minutes – March 21, 2019 Meeting**

The Chair Pro Tem called for a motion for the minutes of the March 21, 2019 meeting.

There being no discussion, upon a motion by Ms. Keefe, seconded by Ms. Isobe, it was voted on and unanimously carried to approve the minutes for the March 21, 2019 meeting as circulated.

Executive Officer's  
Report:

**Conferences/Seminars/Meetings**

**2019 Legislation**

The EO provided information on the following bills:

Opioid Antagonist

**SB 535, SD1, HD1 Relating to Pharmacists Prescribing and Dispensing of Opioid Antagonist** – The current version of the bill includes an effective date of 7/1/2050 but does not include a definition for “at risk”. This bill crossed back to the Senate who disagreed with the House amendment. Conference Committee members were appointed as follows: House – Mizuno, Ohno, C. Lee and Ward, Senate – Baker, S. Chang and Fevella.

Vaccinations

**SB 203, HD2 Relating to Vaccinations** – This bill amends HRS Chapter 325-33 **Performance of vaccination and immunization** (DOH law) to include pharmacists in the list of healthcare providers who may administer vaccination and immunizations. This bill crossed back to the Senate who initially disagreed with the House amendments, however, the Senate has reconsidered and now agrees with the House version and has placed this bill on the calendar for final reading today. This bill has an effective date of 7/1/2019.

Return for Disposal

**HB 1272, HD1, SD1 Relating to Prescription Drugs** – The current version of this bill includes an effective date of 7/1/2019. This bill crossed back to the House who disagreed with the Senate amendment. Conference Committee members were appointed as follows: Senate – Baker, S. Chang and Fevella, House – not appointed yet.

Pilot Projects

**SB 540, SD1, HD1 Relating to the Board of Pharmacy** – The current version of this bill includes an effective date of 7/1/2050. This bill crossed back to the Senate who disagreed with the House amendment. Conference Committee members were

appointed as follows: House – Mizuno, Takumi, B. Kobayashi, Har and Ward, Senate – not appointed yet.

Reimbursement (Insurance)

**SB 1210, SD1, HD1 Relating to Insurance** – This bill was amended by the House CPC to include only provisions pertaining to the National Association of Insurance Commissioner accreditation requirements and no longer includes the reimbursement provisions for APRNs and pharmacists. See SB 25, SD2.

**SB 25, SD2, HD1 Relating to Insurance** – This bill amends various portions of the Hawaii Insurance Code under title 24, HRS, to update and improve existing Insurance Code provisions. Establishes requirements for proposed name changes and use of a trade name or assumed name and also includes reimbursement to providers language with an effective date of 7/1/2050.

The EO had a conversation with Wes Sumida of the DKICOP who questioned if the language in this bill will be problematic:

SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding two new sections to part I of article 10A to be appropriately designated and to read as follows:

"§431:10A-A Required disclaimer. Any limited benefit policy, certificate, application, or sales brochure that provides coverage for accident and sickness, excluding specified disease, long-term care, disability income, accident-only, medicare supplement, dental, or vision shall disclose in a conspicuous manner and in not less than fourteen-point boldface type the following, or substantially similar, statement: "THIS IS NOT QUALIFYING HEALTH COVERAGE ("MINIMUM ESSENTIAL COVERAGE") THAT SATISFIES THE HEALTH COVERAGE REQUIREMENT OF THE AFFORDABLE CARE ACT."

§431:10A-B Reimbursement to providers. (a) Coverage for services required by this part shall include reimbursement to health care providers who perform services required by this part, or to the insured member, as appropriate.

(b) Whenever an individual or group policy, contract, plan, or agreement provides for reimbursement for any service, a health care provider who performs a service shall be eligible for reimbursement for the performed service to the extent the health care provider is eligible for such reimbursement under the policy, contract, plan, or agreement, and is acting within the scope of the provider's license or certification under state law.

(c) For purposes of this section, "health care provider" means a provider of services, as defined in title 42 United States Code section 1395x(u); a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s); and a practitioner licensed by the State and working within the practitioner's scope of practice."

SECTION 4. Chapter 432, Hawaii Revised Statutes, is amended by adding a new section to part VI of article 1 to be appropriately designated and to read as follows:

"§432:1- Reimbursement to providers. (a) Coverage for services required by this part shall include reimbursement to health care providers who perform services required by this article, or to the insured member, as appropriate.

(b) Whenever an individual or group policy, contract, plan, or agreement that provides health care coverage under this article provides for reimbursement for any service, a health care provider who performs a service shall be eligible for reimbursement for the

performed service to the extent the health care provider is eligible for such reimbursement under the policy, contract, plan, or agreement, and is acting within the scope of the provider's license or certification under state law.

(c) For purposes of this section, "health care provider" has the same meaning as in section 431:10A-B(c)."

She said she is checking with the Insurance Commissioner, but this bill was passed out of conference committee yesterday so no changes can be made, if necessary.

#### Other Board/Pharmacy/Pharmacist Related Bills

**HB 220, HD1, SD1 Relating to Health** – The current version of this bill no longer authorizes a pharmacy to provide a customized patient medication package to any patient of an institutional facility or any member of the general public, subject to certain conditions. It was amended with language to appropriate funds for operating expenses of the DOH.

**SB 1404, SD2, HD1 Relating to Loan Repayment for Health Care Professionals** - The purpose of this bill is to appropriate funds to the DOH to fund the Hawaii rural health care provider loan repayment program administered through the John A. Burns school of medicine to provide loan repayment for physicians, physician assistants, psychologists, nurse practitioners, social workers, marriage and family counselors, and nurses who agree to work in a federally-designated health professional shortage area or in a geographic area of Hawaii found to be underserved. This bill does not include pharmacists.

**SB 1401, SD2, HD1 Relating to Pharmacy Benefit Managers** – This bill provides that a pharmacy benefit manager may not prohibit the sharing of an insured individual's cost share for a prescription drug and clinical efficacy of a more affordable alternative drug and prevents penalization of a pharmacy or pharmacist for sharing such information. This bill crossed back to the Senate who disagreed with the House amendments. Conference Committee members were appointed as follows: House – Mizuno, Takumi, C. Lee, Nishimoto, B. Kobayashi, and Ward, Senate – Baker, English, L. Thielen and Fevella.

**SB 1521, SD1, HD1 Relating to Pharmacy Benefit Managers** – This bill establishes contract, cost disclosure, reimbursement, appeals, and information protection requirements for pharmacy benefit managers that contract with small, independent, and isolated pharmacies. Establishes enforcement jurisdiction in the Department of Commerce and Consumer Affairs. This bill was not scheduled for hearing by FIN.

#### **Amendments to Title 16, Chapter 95**

##### Return for Disposal, HAR §16-95-87

The EO stated that this is on hold until the "fate" of SB 540 Relating to the Board of Pharmacy is known.

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

The EO reported that she only received comments/recommendations from Ms. Keefe and that she will work on a final draft to be posted on the Board's web page.

### **Working Conditions Survey**

No change to the last status report.

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

No change to the last status report.

### Correspondence:

#### **NABP – State News Roundup**

- 3/29/2019

The Chair Pro Tem noted the following articles:

- Arkansas – Allow transfers to be communicated directly between two licensed individuals where one of the two must be a pharmacist. This means that interns and technicians can take part in the transfer of prescriptions under supervision and that pharmacies transferring prescriptions may utilize facsimile or other electronic means to communicate information for transfers for non-controlled substances.
- Idaho – Switching to birth month renewal.
- Iowa – Requires all prescriptions, including controlled substances, to be electronically prescribed by prescribers and electronically received by pharmacies beginning 1/1/2020.
- Kansas – Adopted new administrative rules to allow nurses and other healing arts professionals to access automated drug delivery systems in long-term care facilities, pharmacies, and other facilities to administer medications to patients consistent with their respective practice acts – this would eliminate the perceived need for nurses to also be registered as pharmacy technicians. Also adopted were new regulations requiring each owner of a Kansas-registered pharmacy to notify the board within 30 days of any denial or disciplinary action taken by another jurisdiction; requires PIC or pharmacy owner to notify the Board within 1 day of any suspected diversion, theft or loss of any CS and requires pharmacists, pharmacy technician and pharmacy students to notify the Board within 30 days of any criminal arrest, charge, or conviction related to drugs or the practice of pharmacy or of any disciplinary action taken by another jurisdiction.
- Wyoming – Practitioner and pharmacists will be able to appoint up to two delegates on their behalf to access the PDMP.

### Chapter 91, HRS Adjudicatory Matter(s):

At 9:18 a.m., the Chair Pro Tem called for a recess pursuant to Chapter 91, HRS to discuss and deliberate on the following adjudicatory matters:

In the Matter of the Miscellaneous Permit of **Medimpact Direct LLC; PHA 2019-5-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

