BOARD OF PHARMACY

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

MINUTES OF MEETING

<u>Date</u>: Thursday, August 20, 2020

Time: 9:00 a.m.

<u>Place</u>: Virtual Videoconference Meeting – Zoom Webinar

Members Present: Alanna Isobe, Chair

Julie Takishima-Lacasa, PhD, Public Member - Vice Chair

Patrick Adams, Pharmacist Catalina Cross, Public Member Mary Jo Keefe, RPh, Pharmacist Sheri Tokumaru, Pharmacist

Kenneth VandenBussche, RPh, BCACP, Pharmacist

Staff Present: Lee Ann Teshima, Executive Officer ("EO")

Shari Wong, Deputy Attorney General ("DAG")

Rochelle Araki, Secretary

Charlene Tamanaha, Licensing Administrator Ahlani Quiogue, Supervising Executive Officer

Karyn Takahashi, Staff

Terry Akasaka-Toyama, Staff

Guests: Kellie Noguchi, Kaiser Permanente

Lauren Paul Jake Hoctor

Marcella Chock, Hawaii Pharmacists Association Corrie Sanders, Hawaii Pharmacists Association

Bruce Meno NARAL – Hawaii

Janelle

Cherylynn Cheng Taylor Hiraga

Tiffany Yajima, SanHi Government Strategies

Patrick Uyemoto, Times Stacy Pi, Kaiser Permanente

Lorri Walmsley Thi Hong Vo David Zelman Spike Denis

Carolyn Ma, Daniel K. Inouye, College of Pharmacy

Wes Sumida

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").

The Chair took roll call to establish quorum. All members being present, the Chair called the meeting to order at 9:03 a.m.

All votes were conducted by roll call.

Executive Session:

At 9:06 a.m., upon a motion by the Vice Chair, seconded by Ms. Keefe, 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 pharmacy licensure," and, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 10:02 a.m., upon a motion by Ms. Cross, seconded by Mr. Adams, it was voted on and unanimously carried to move out of executive session.

Applications:

Ratification Lists

Upon a motion by the Chair, seconded by Ms. Cross, it was voted on and unanimously carried to approve the ratification list(s).

Miscellaneous Permit(s)

Upon a motion by Mr. Adams, seconded by Ms. Tokumaru, it was voted on with the Chair, Vice Chair, Mr. Adams, Ms. Cross, Ms. Keefe and Ms. Tokumaru voting "yes" and Mr. VandenBussche recusing himself. The motion carried to approve the following applications for Miscellaneous Permit as an out-of-state pharmacy:

Costco Wholesale Corporation, dba Costco Pharmacy #1349 Costco Wholesale Corporation, dba Costco Pharmacy #1348 Costco Wholesale Corporation, dba Costco Pharmacy #1347

Delegation

Upon a motion by Mr. Adams, seconded by Ms. Cross, it was voted on with the Chair, Vice Chair, Mr. Adams, Ms. Cross, Ms. Keefe and Ms. Tokumaru voting "yes" and Mr. VandenBussche recusing himself that for future applications for Costco Wholesale Corporation, provided there are no additional disciplinary action(s) taken, the Board delegates to the EO to approve the applications. The motion carried.

Upon a motion by Mr. Adams, seconded by Mr. VandenBussche, it was voted on and unanimously carried to approve the following applications for Miscellaneous Permit and new PIC:

ProCare Pharmacy LLC, dba CVS/Pharmacy (West Hollywood, CA) Cottrill's Pharmacy Inc.
Caremark Illinois Specialty Pharmacy, LLC, dba CVS/Specialty

Fresinius USA Manufacturing, Inc., dba Fresinius Medical Care North America Integrity Rx Specialty Pharmacy LLC

CareFirst Specialty Pharmacy LLC, dba CareFirst Specialty Pharmacy LLC Veterinary Pharmacies of America LLC, dba Covetrus TX

Caremark Tennessee Specialty Pharmacy, LLC, dba CVS/Specialty Universal Health Network LLC, dba One Choice Pharmacy (PMP 1602) – Marcus Griffith, New PIC

Edge Pharmacy Services LLC (PMP 1561) - Brian Bradley, Staff PH

Pharmacist

Upon a motion by Mr. Adams, seconded by Ms. Tokumaru, it was voted on and unanimously carried to approve the following applications for Pharmacist:

Renee Cheung Scott T. Kamimura

At 10:15 a.m., the Chair announced that she would be recessing the meeting to discuss adjudicatory matters, however, asked staff if Mr. Wheatland was attending so that we may take his agenda item out-of-order so that he can address the Board at this time.

Ms. Takahashi asked if Mr. Wheatland was in attendance to please raise his hand.

Ms. Takahashi reported that none of the attendees raised their hand in response to her request. It did not appear that Mr. Wheatland was in attendance.

<u>Chapter 91, HRS – Adjudicatory Matters:</u>

At 10:17 a.m., the Chair called for a recess of the meeting to discuss and deliberate on adjudicatory matters.

Upon a motion by Mr. VandenBussche, seconded by Ms. Cross, it was voted on and unanimously carried to approve the following Board's Final Orders:

In the Matter of the Miscellaneous Permit of **Bioscript Infusion Services LLC; PHA 2019-98-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Park Compounding Inc.**; **PHA 2019-106-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Pharmacist License of **Ekene C. Nnah**; **PHA 2018-51-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "2"

In the Matter of the Miscellaneous Permit of **Performspecialty LLC; PHA 2020-16-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

In the Matter of the Miscellaneous Permit of **Transition Pharmacy LLC**; **PHA 2020-17-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Bond Pharmacy, Inc., dba Advanced Infusion Solutions; PHA 2020-40-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Edge Pharmacy Services**, **LLC**; **PHA 2019-110-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Puget Sound Drug Corp, dba Key Compounding Pharmacy; PHA 2020-10-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and 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 10:25 a.m.

New Business: Correspondence

At 10:25 a.m., the Chair asked staff if Mr. Wheatland was listed as an attendee.

Ms. Takahashi asked if Mr. Wheatland was in attendance to please raise his hand.

Ms Takahashi reported that none of the attendees raised their hand in response to her request. It did not appear that Mr. Wheatland was in attendance.

The Chair stated that she would give him some extra time and would take up the second correspondence agenda item.

Pharmacists Administering COVID-19 Test - HHS Guidance and Advisory Opinion
The Chair reported that on April 8, 2020, the U.S. Department of Health and Human
Services ("HHS") issued a Guidance for Licensed Pharmacists, COVID-19 Testing, and
Immunity under the PREP Act and on May 19, 2020, issued an Advisory Opinion 20-02
On the Public Readiness and Emergency Preparedness Act and the Secretary's
Delegation Under the Act.

The Guidance and Advisory Opinion preempts state licensing laws that restrict the ability of pharmacists to order and administer COVID-19 diagnostic tests.

The Guidance and Advisory Opinion expressly authorizes pharmacists, under the PREP Act, to order and administer those tests.

Mr. Adams stated that a CLIA waiver is also required.

Mr. VandenBussche stated that appropriate training should also be required.

The DAG cautioned the Board on mandating further requirements.

Ms. Tokumaru asked if pharmacy students would also be able to administer the COVID-19 tests under this Guidance and Advisory Opinion.

The EO stated that the Guidance and Advisory Opinion specifically refers to "pharmacists" and not pharmacy students, pharmacy interns or other pharmacy personnel.

The Chair stated that, pursuant to HRS Section 461-9, a pharmacy intern may perform the activities defined in the "Practice of pharmacy" in HRS 461-1, provided the intern is under the immediate supervision of a pharmacist and is administering the test pursuant to a health care professional authorized to order such tests.

There being no further discussion, it was the consensus of the Board that the HHS Guidance and Advisory Opinion preempts state laws restricting pharmacists from ordering and administering Covid tests, that the current pharmacy practice act does not prohibit pharmacists from administering the COVID-19 tests, and that pharmacy interns, under the immediate supervision of a pharmacist, may also administer the COVID-19 test.

At 10:39 a.m., the Chair asked if Mr. Wheatland was listed as an attendee.

Ms. Takahashi asked if Mr. Wheatland was in attendance to please raise his hand.

None of the attendees raised their hand in response to her request. Ms Takahashi reported that it did not appear that Mr. Wheatland was in attendance.

Prescription for OTC Product – Rand Wheatland

The Chair stated that upon review of Mr. Wheatland's emails and his August 13, 2020 submission, it appears that in this case the pharmacy refused to sell an OTC product based on the pharmacist's professional judgement with knowledge of the FDA issuance of a Drug Safety Communication that expressed safety concerns and added warnings about serious heart problems to the Drug Facts label of OTC loperamide products.

Mr. VandenBussche stated that the pharmacist is responsible for the safety of the patient and that it looks like the pharmacist did the right thing.

Ms. Cross stated that a pharmacy cannot mandate or require a prescription for an OTC product, however, the pharmacy practice act, as previously stated, includes that the pharmacist look out for patient safety and that the pharmacist has a professional responsibility to consider the FDA issuance of the Drug Safety Communication.

Mr. Adams stated that the pharmacy has the right to advise of the side effects/potential problems but it is beyond the pharmacist's responsibility to "require" a prescription. He also reiterated that the company/pharmacy may determine "guidelines" and that the pharmacist may be prudent with customers but not deny the customer's needs.

> Ms. Tokumaru stated that a pharmacist can use their professional judgment to consider the safety of the patient especially if a patient is requesting a quantity of meds that may do harm to the patient.

Ms. Keefe referred to HRS §461-1, definition of "Practice of pharmacy" that states:

"Practice of pharmacy" means:

(1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefor; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; and the interpretation and evaluation of prescription orders to adjust the supply dispensed for purposes of medication synchronization pursuant to section 431:10A-606, 432:1-621, or 432D-30;

Emphasis added. Ms. Keefe also stated that in response to Mr. Wheatland's question, a prescription is NOT required for an OTC product.

The Vice Chair agreed that, as a public member, she would like to emphasize and appreciates the pharmacist looking out for the safety of the consumer.

At 10:47 a.m., the Chair asked if Mr. Wheatland was listed as an attendee.

Ms. Takahashi asked if Mr. Wheatland was in attendance to please raise his hand.

None of the attendees raised their hand in response to her request. Ms. Takahashi reported that it did not appear that Mr. Wheatland was in attendance.

The Chair summarized the Board's response to Mr. Wheatland's submission and reiterated that:

- A prescription is not required for an OTC product; and
- The pharmacist acted appropriately, using their professional judgement as stated in the definition of "Practice of pharmacy" by not selling the OTC product as requested based on the FDA Drug Safety Communication in the interest of patient safety; and
- The Board has no jurisdiction over private companies' policies/directives, unless they conflict with the pharmacy practice act's laws/rules.

There being no further discussion, it was the consensus of the Board to respond to Mr. Wheatland as stated above.

Board of Pharmacy Minutes of the August 20, Page 7	2020 Meeting
Next Meeting:	Thursday, October 15, 2020 9:00 a.m. Virtual
	The Chair asked if everyone would be able to attend. All members said yes.
Adjournment:	There being no further business to discuss, the meeting was adjourned at 11:02 a.m.
Taken and approved by	:
/s/ Lee Ann Teshima Lee Ann Teshima Executive Officer	
[x] Minutes approved a	ıs is.
	ith changes; see minutes of

Pharmacist (PH)

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Pharmacy (PHY)

PHY	938	1964 UHALOA RD	HILO	НІ	96720	KAUMANA PHARMACEUTICALS LLC

Miscellaneous Permit (PMP)

PMP	1682	10800 N CONGRESS AVE	KANSAS CITY	MO	64153	LINCARE PHARMACY SERVICES
						INC
PMP	1683	11403 BLUEGRASS PKWY	JEFFERSONTOWN	KY	40299	CHEWY PHARMACY, LLC
						,
PMP	1684	4045 E BELL RD SUITE 163	PHOENIX	ΑZ	85032	VITALAB PHARMACY, INC
						·
PMP	1685	1600 SW 80TH TERRACE	PLANTATION	FL	33324	HOLIDAY CVS LLC
PMP	1686	1690 86TH ST	BROOKLYN	NY	11214	OHANA PHARMACY INC
PMP	1687	300 PENN CENTER BLVD STE	PITTSBURGH	PA	15235	CCN AMERICA, LP
		505				·

Page 2

PMP 1688 3020 LAMAR AVE PARIS TX 75460 PETSCRIPT, INC PMP 1689 1710 N SHELBY OAKS DR MEMPHIS TN 38134 ANOVORX GROUP, LLC PMP 1690 6791 N FEDERAL HWY BOCA RATON FL 33487 URGENTMEDRX LLC PMP 1691 4971 SOUTHRIDGE BLVD MEMPHIS TN 38141 SCRIPT2U LLC PMP 1692 612 VETERANS BLVD METAIRIE LA 70005 B & B DRUGS INC PMP 1693 6308 BENJAMIN RD SUITE 709 TAMPA FL 33634 COMMUNITY SPECIALTY PHARMACY LLC PMP 1694 10970 SHADOW CREEK PKWY PEARLAND TX 77584 PEARLAND UNICARE PHAR LLC PMP 1695 1911 CHURCH ST STE 202 NASHVILLE TN 37203 RARX, LLC PMP 1696 61 E WILLOW ST MILLBURN NJ 7041 CLEARMD PHARMACY, LLC PMP 1697 8601 DUNWOODY PL SUITE SANDY SPRINGS GA 30350 ICP HOLDINGS, LLC	
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PMP 1699 777 S HARBOR BLVD LA HABRA CA 90631 GARFIELD BEACH CVS, LLC	
PMP 1700 856 HERCULES DR COLCHESTER VT 5446 EDGE PHARMA, LLC	
PMP 1701 4500 12TH ST EXTENSION WEST COLUMBIA SC 29172 NEPHRON PHARMACY LLC	
PMP 1702 2417 3RD AVE STE 406 BRONX NY 10451 LEMED PHARMACY III, LLC	
PMP 1703 1106 BRADSHAW DR FLORENCE AL 35630 WATSON RX SOLUTIONS,	NC
PMP 1704 50 BEARFOOT RD NORTHBOROUGH MA 1532 ALLCARE PLUS PHARMACY	' LLC
PMP 1705 3233 CORPORAATE CT ELLICOTT CITY MD 21043 VDNR PHARMACY LLC	
PMP 1706 9265 KIRBY DR HOUSTON TX 77054 WELLS PHARMA OF HOUSTON	TON,
PMP 1707 11800 WESTON PARKWAY CARY NC 27513 BIOLOGICS, INC	
PMP 1708 13000WESTON PARKWAY CARY NC 27513 BIOLOGICS, INC	
PMP 1709 8840 N MACARTHUR BLVD IRVING TX 75063 YMEDICAL ASSOCIATES, IN	

Pharmacy/Miscellaneous Permits/PWDs:

Closures/Cancellation

Arizona Board of Regents (PMP 510) The University of Arizona College of Pharmacy 220 W 6th Street, Room B113 Tucson, AZ 85721

Effective: 2/10/2020

Healthpartners Refill Center Pharmacy (PMP 799) 9700 W 76th Street Eden Prairie, MN 55347 Effective: 3/28/2020

Bioscript Infusion Services Inc. (PMP 570) 320 S. Flower Street
Burbank, CA 91502
Effective: 4/27/2020

Bioscrip Infusion Services Inc. (PMP 1660) 199 Technology Drive, Stes. 140 & 150 Irvine, CA 92618

Effective: 4/28/2020

Prime Therapeutics Specialty Pharmacy LLC (PMP 1407) dba Alliancerx Walgreens Prime #16567 2901 Kinwest Pkwy., Ste. 250 Irving, TX 75063 Effective: 5/1/2020

InfuScience (PMP 832) 2915 Waters Road, Ste. 110 Eagan, MN 55121 Effective: 5/1/2020

Craig Road Pharmacy LLC (PMP 1607) 3251 Craig Road, Ste. 110 North Las Vegas, NV Effective: 5/8/2020

Pharmacare International Inc. (PHY 872) dba Pharmacare #8 86-032 Farrington Hwy #101 Waianae, HI 96792 Effective: 5/18/2020

River Medical Pharmacy Inc. (PMP 1168) 4752 Research Drive San Antonio, TX 78240 Effective: 5/14/2020

Pharmacare International Inc. (PHY 615) dba Pharmacare #1 2228 Liliha St. #100 Honolulu, HI 96817 Effective: 5/19/2020

Pharmacare International Inc. (PHY 873) dba Aiea Medical Pharmacy 99-128 Aiea Heights Drive #103 Aiea, HI 96701 Effective: 5/20/2020

Leehar Distributor LLC (PMP 1345) dba LDI Phamacy 701 Emerson Rd., Ste. 343 Creve Coeur, MO 63141 Effective: 6/12/2020

Carezone Pharmacy LLC (PMP 1405) 800 Airpark Center Dr Suite 809 Nashville, TN 37217 Effective: 6/23/2020

Edge Pharmacy Services (PMP 1561) 856 Hercules Drive Ste 30 Colchester, VT 05446 Effective: 6/25/2020

Gordian Medical II Inc (PMP 1370) dba Better Balance Pharmacy 5834 Louetta Rd Ste D Spring, TX 77379

Effective: 7/21/2020

Change of PIC

VFC Pharmacy #101 LLC (PMP 1632) dba Covetrus Maine

12 Mountfort St., Unit 2 Portland, ME 04101

New PIC: Greg M. O'Grady

Effective: 3/12/2020

Powerhouse Pharmacy RC LLC (PMP 1672)

dba Powerhouse Pharmacy 2726 W Mockingbird Ln.

Dallas, TX 75235

New PIC: Joshua Cooke Effective: 3/9/2020

Fairview Pharmacy Services LLC (PMP 572)

dba Fairview Specialty Services Pharmacy

711 Kasota Ave. SE, Ste. A Minneapolis, MN 55414

New PIC: Jacob Hansen Effective: 3/18/2020

R Weinstein Immunization & Prescription Services LLC (PHY 818)

dba Weinstein Pharmacy 846 Pohukaina Street #F Honolulu, HI 96813

New PIC: Krista R. D. Kido

Effective: 3/20/2020

Tampa Florida Pharmacy (PMP 1468)

dba TFP Wellness Systems 2919 West Swann Ave., Ste. 101

Tampa, FL 33609

New PIC: Melissa Castellana

Effective: 4/1/2020

Walgreen Co (PMP 733) dba Chroniscript A Walgreens Pharmacy

1250 NW 7th St., #205

Miami, FL 33125

New PIC: Ahmed El Hosseiny

Effective: 4/1/2020

Kaiser Foundation Health Plan Inc. (PHY 590) Kaiser Kihei Pharmacy 1279 S. Kihei Road

Kihei, HI 96753

New PIC: Jeffrey L. Bermejo

Effective: 4/8/2020

Kaiser Foundation Health Plan (PHY 238)

Kaiser Lahaina Pharmacy 910 Wainee Street Lahaina, HI 96761

New PIC: Jeffrey L. Bermejo

Effective: 4/8/2020

Kaiser Foundation Health Plan Inc. (PHY 590)

Kaiser Kihei Pharmacy 1279 S. Kihei Road Kihei, HI 96753

New PIC: Jeffrey L. Bermejo

Effective: 4/8/2020

Kaiser Foundation Health Plan Inc. (PHY 238)

dba Lahaina Pharmacy 910 Wainee Street Lahaina, HI 96761

New PIC: Jeffrey L. Bermejo

Effective 4/8/2020

American Service and Product Inc. (PMP 1521)

16612 107th Ct. Orland Park, IL 60467

New PIC: Priti M. Shah Effective: 4/17/2020

Petscript Inc. (PMP 1688) dba Prolab Pharmacy 3020 Lamas Avenue Paris, TX 7546j0

New PIC: Kwadwo Baah Effective: 4/28/2020

Proact Pharmacy Services (PMP 949)

1226 US Hwy 11

Gouverneur, NY 13642

New PIC: Melvin McCue Effective: 4/30/2020

Pharmacy Corporation of America (PMP 427)

6330 E 75th St. Ste 322 Indianapolis, IN 46250

New PIC: Matthew Striegel

Effective: 5/1/2020

Foothills Professional Pharmacy Ltd. (PMP 789)

4545 E Chandler Blvd. #100

Phoenix, AZ 85048

New PIC: Ronald B. Koehler

Effective: 5/11/2020

Ameripharm Inc (PMP 1022) dba Medvantx Specialty Pharmacy 1860 Outer Loop Ste 348 Louisville, KY 40219

New PIC: Micah Benford Effective: 5/18/2020

Palm Beach Pharmaceuticals Inc (PMP 513)

8409 N Military Trl Ste 125
Palm Beach Gardens, FL 33410
New PIC: Nicole J. Guidish

Effective: 7/15/2020

Relocation

Liberty Medical (PMP 1184) dba Aptivarx 5249 NW 33rd Avenue Ft. Lauderdale, FL 33309 Effective: 12/9/2019

Quick Care Pharmacy Inc. (PMP 1115) 9397 Haven Avenue Rancho Cucamonga, CA 91730

Effective: 4/10/2020

Cardinal Health Pharmacy Services LLC (PMP 936)

13651 Dublin Ct. Stafford, TX 77477

Effective: 4/14/2020

Mayo Foundation for Medical Education and Research (PMP 668) 3551 Commercial Drive SW Rochester, MN 55902 Effective: 4/21/2020

Ban-Nix Home Medical Equipment Inc. (PMP 345) 67-1185 Mamalahoa Hwy. Kamuela, HI 96743 Effective: 5/8/2020

Cardinal Health 128, LLC (PMP 1191) dba MMS Solutions 239 Mason Road LaVergne, TN 37086 Effective: 6/7/2020

Prime Therapeutics Specialty Pharmacy LLC (PMP 1381) dba Alliancerx Walgreens Prime #04582-2 8600 Harry Hines Blvd. #100 Dallas, TX 75235

Effective: 6/30/2020

Name Change

Optum Pharmacy 707 Inc. (PMP 1393) 4900 Rivergrade Road, Ste. E110 Irwindale, CA 91706 Effective: 3/23/2020

Optum Pharmacy 707 Inc. (PMP 499) 5627 University Heights, Ste. 108 San Antonio, TX 78249 Effective: 3/23/2020

MailMyPrescriptions.com Pharmacy Corporation (PMP 1512) dba Genius Rx 622 Banyan Trail Ste 614 Boca Raton, FL 33414 Effective: 4/2/2020

Prime Therapeutics Specialty Pharmacy LLC (PMP 1381) dba Alliancerx Walgreens Prime #04582-2 8600 Harry Hines Blvd. #100 Dallas, TX 75235

Effective: 6/30/2020