

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

MINUTES OF MEETING

Date: Thursday, December 17, 2020

Time: 9:00 a.m.

Place: 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
Karyn Takahashi, Staff
Terry Akasaka-Toyama, Staff

Guests: Greg Edwards
Lauren Paul
Cherylynn Cheng
Lorri Walmsley
Corrie Sanders - Hawaii Pharmacists
Stacy Pi
Gail Elliott
Rob Geddes
Tiffany Y.
Laurie Lorenzo PTCB
Kellie Noguchi
Wendy Iwasaki
George Hetherington
Lori Nagatoshi
Ademola Are
Mike Hartsock
KV
Marcella
Pat
Julia Jeffery
Telijah Patterson

Gavin
Steve
Brenda Fletcher
Cora
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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 provided information on internet and phone access for today's virtual meeting and a short video regarding virtual meetings was played for attendees.

The Chair then took roll call to establish quorum.

All members being present, quorum was established and the Chair called the meeting to order at 9:09 a.m.

All motions requiring a vote were conducted by roll call.

Ms. Takahashi informed the Chair that someone raised their hand and asked if the person should be allowed to address the Board.

The Chair gave her permission.

Ms. Telijah Patterson introduced herself as a grad student at Brown University who emailed the Board yesterday and wanted to add or address the Board regarding concerns about the lack of awareness among many Hawaii pharmacists regarding Governor Ige's [emergency proclamation](#) Sections 329-32(a), 329-33(a), 329-38.2 which allows for out of state physicians to both treat and prescribe to patients in Hawaii including controlled substances.

The EO informed Ms. Patterson that unfortunately this matter is not on the agenda for today's meeting and that she would respond to her email.

Approval of Minutes:

Minutes of the October 15, 2020 Meeting

The Chair asked if there were any corrections or discussion of the October 15, 2020 meeting minutes.

There being no corrections/amendments, upon a motion by Mr. Adams, seconded by Ms. Cross, it was voted on and unanimously carried to approve the minutes as circulated.

New Business:

The Chair announced that the next agenda item was Pharmacy Technicians Administering Immunizations to Minors and asked if there was anyone attending wishing to provide testimony or address the Board on this agenda item.

Staff reported that no one raised their hand.

Pharmacy Technicians Administering Immunizations to Minors (3 years old and up)

The Chair reported that on October 20, 2020, the Health and Human Services (HHS) issued an amendment to the Declaration under the Public Readiness and Emergency Preparedness Act (PREP Act) to include pharmacy technicians as qualified persons for liability protection to administer childhood vaccinations to persons 3 – 18 and the COVID vaccine to 3 and older after meeting certain requirements.

Since Hawaii does NOT require licensure of pharmacy technicians, the HHS guidance does state that pharmacy technicians working in states without licensure and/or registration requirements must have a Certified Pharmacy Technician certification from either the Pharmacy Technician Certification Board or National Healthcareer Association.

She asked if there was any discussion by the Board.

There was no further discussion on this agenda item

HHS' Guidance Document and FAQs

The Chair recommended that the guidance document posted on the Board's web page be amended to include pharmacy technicians.

The Chair announced the next agenda item is about the FDA Compounding MOU and asked if anyone attending wanted to provide testimony on this agenda item and also deferred to Mr. Adams to lead the discussion.

FDA Compounding MOU

Mr. Adams provided a brief overview of the FDA Compounding MOU and the consequences for states who do not enter into the MOU. He stated that it is unclear if Hawaii should enter into the MOU and who should as it appears to require reporting of compounded drugs, which the Board would not maintain.

Mr. Adams also clarified that we still have some time to further review and discuss the MOU with other State stakeholders.

The Chair stated that the next agenda item was Correspondence with the first inquiry regarding waiver of the continuing education requirement for the 2021 renewals and asked if there was anyone attending who wanted to provide testimony or address the Board.

Staff reported that no one raised their hand.

Correspondence

Request from Gerry Fujii – Waiver of the Continuing Education Requirement for 2021 Renewals

The Chair stated that the Board received a request from Gerry Fujii asking the Board to consider waiving the continuing education requirements for the 2020-2021 biennium.

Mr. Fujii stated that the pandemic and workload stresses on Hawaii pharmacists have been significant and that although CEs can be completed online, many pharmacists support state and national pharmacy organizations which have had to cancel live conferences.

He also stated that healthcare workers deserve a break.

She asked if the Board had any comments.

Ms. Cross stated that she had read that some states had issued emergency waivers that included waiver of the CE.

The Chair stated that Utah and Ohio suspended live CE requirements and that Hawaii does not require “live” CE and all can be completed online.

The Vice Chair asked if an emergency proclamation would be needed in order to waive the CE requirement.

The EO stated yes.

The Vice Chair stated that she feels it is too early since pharmacists still have all of 2021 to complete continuing education but more importantly, continuing education is important for pharmacists to stay up to date and would have concerns if the continuing education requirement is waived.

The Chair agreed that perhaps this request is premature as there is still another year.

There being no further discussion, it was the consensus of the Board that there is no evidence to substantiate a waiver of the continuing education requirement for the 2021 pharmacist renewal period due to COVID-19.

The Chair announced the next agenda item under correspondence was an inquiry regarding restriction(s) on filling prescriptions for a drug with narrow therapeutic index window and asked if there was anyone attending wishing to provide testimony or address the Board on this agenda item.

Staff reported that no one raised their hand.

Inquiry Regarding Restriction(s) on Filling Prescriptions for a Drug with Narrow Therapeutic Index Window

The Chair reported that the Board received correspondence from Sam Habet, asking if there are restrictions on filling prescriptions of drug with Narrow Therapeutic Index (NTI) window in our State and if there is a list of NTI drugs and referred to HRS §328-92(c).

Ms. Keefe stated that the State doesn't have a "list" and was unaware of any restrictions.

It was the consensus of the Board to inform Mr. Habet that Hawaii does not have any restrictions on filling prescriptions of drugs with NTI window and does not maintain a list.

The Chair announced that the next agenda item is applications and that the Board will be moving into executive session and asked if anyone attending wanted to provide testimony on any of the applications.

Staff reported that Mr. Hetherington raised his hand.

The Chair called for a motion to move into executive session at which time staff would call Mr. Hetherington to join the Board in executive session.

Executive Session:

At 9:45 a.m., upon a motion by Ms. Keefe, seconded by the Vice Chair, 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".

Mr. VandenBussche left the meeting at 10:16 am.

Mr. Adams left the meeting at 10:35 am.

At 10:53 a.m., upon a motion by Ms. Cross, seconded by Ms. Tokumaru, it was voted on and unanimously carried to move out of executive session.

Applications:

Ratification Lists

The Chair asked for a motion in regard to the ratification list.

Upon a motion by the Vice Chair, seconded by Ms. Tokumaru, it was voted on and unanimously carried to approve the ratification lists.

Applications

Miscellaneous Permit

It was the consensus of the Board to defer the following agenda item:

Drug Depot, LLC dba APS Pharmacy – Request for Reconsideration

Upon a motion by Ms. Keefe, seconded Ms. Cross, it was voted on and unanimously

carried to approve the following application:

Dignity Health, dba St. Joseph's McAuley Pharmacy

Upon a motion by Ms. Cross, seconded by Ms. Tokumaru, it was voted on and unanimously carried to approve the following application:

divvyMED, LLC, dba divvyDOSE

Pharmacist

Upon a motion by Ms. Cross, seconded by Ms. Keefe, it was voted on and unanimously carried to delegate to the EO to approve the application upon receipt of additional information from the applicant.

Sanjeev Seenath

The Chair announced that she will recess the meeting pursuant to Chapter 91, HRS to discuss adjudicatory matter(s) and asked if anyone attending wanted to provide testimony on any of the adjudicatory matters.

Staff reported that no raised their hand.

Chapter 91, HRS
Adjudicatory Matters:

At 10:59 a.m., the Chair called for a recess of the meeting to discuss and deliberate on adjudicatory matters.

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

In the Matter of the Miscellaneous Permit of **Schraft's 2.0, LLC; PHA 2020-122-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" and "2"

In the Matter of the Miscellaneous Permit of **GoGoMeds; PHA 2020-143-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Imprimisrx NJ LLC, fka Pharmacy Creations LLC; dba Imprimisrx; PHA 2020-156-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 **Agropec Trading, LLC, dba Allivet; PHA 2020-168-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Biorx, LLC, dba Diplomat Specialty Infusion Group; PHA 2019-70-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Miscellaneous Permit of **Late Drug Company, Inc., dba Post Haste Pharmacy; PHA 2020-174-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the Wholesale Prescription Drug Distributor Licenses of **Airgas USA, LLC; PHA 2020-78-L, PHA 2020-83-L, PHA 2020-84-L, PHA 2020-85-L, PHA 2020-86-L, PHA 2020-87-L, PHA 2020-88-L, and PHA 2020-89-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

In the Matter of the Pharmacy Miscellaneous Permit of **Optumrx Inc.; PHA 2020-116-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "2"

In the Matter of the Pharmacy Miscellaneous Permit of **Pensacola Apothecary Inc. dba Everwell Specialty Pharmacy; PHA 2020-171-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "a"

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 11:01 a.m.

Next Meeting: TBA

Adjournment: There being no further business to discuss, the Chair adjourned the meeting at 11:02 a.m.

Taken by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

Minutes approved as is.

Minutes approved with changes; see minutes of _____