

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

MINUTES OF MEETING

Date: Thursday, December 16, 2021

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Members Present: Alanna Isobe, Chairperson
Patrick Adams, Pharmacist
Sheri Tokumaru, Pharmacist
Kent Kikuchi, Pharmacist
Catalina Cross, Public Member

Staff Present: James Skizewski, Executive Officer (“EO Skizewski”)
Shari Wong, Deputy Attorney General (“DAG”)
Kellie Teraoka, Secretary
Karyn Takahashi, Tech Support Staff

Excused: Julie Takishima-Lacasa, PhD, Public Member, Vice-Chairperson
Mark Brown, Pharmacist

Guests: Lorri Walmsley
Garret Garber
Stacy Pi
Brenda Fletcher
Cherylynn Cheng
Kellie Noguchi
Jacob Smith
Tiffany Yajima
Greg Edwards – Hawaii Department of Health

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”).

A short video regarding virtual meetings was played for the attendees and the Chair provided information on internet and phone access for today’s virtual meeting.

The Chair then took roll call to establish quorum and called the meeting to order at 9:09 a.m. All Board members were in attendance, with the exception of the Vice Chair and Mr. Brown who were excused from the meeting.

All motions requiring a vote were conducted by roll call.

Chair's Report:

Announcements

The Chair reported she had no announcements.

Approval of Minutes of the October 21, 2021 Meeting

The Chair asked if there were any corrections or discussion of the October 21, 2021 meeting minutes.

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

The Chair asked if anyone attending wanted to address the Board on this agenda item.

Staff reported that no one raised their hand.

Executive Officer's Report:

2021 Renewals

EO Skizewski reported that pharmacy renewals have begun and are going smoothly. Renewal applications will be accepted if they are post marked by 12/31/21. The Legislative session begins in January so the next Board meeting may include proposals for potential bills from different entities.

The Chair asked if anyone attending wanted to address the Board on this agenda item.

Staff reported that no one raised their hand.

Hawaii Pharmacists Association:

The Chair asked if anyone attending wanted to address the Board on this agenda item.

Tiffany Yajima raised her hand and was promoted to a panelist. Ms. Yajima stated that they are working on a draft bill which would remove an administrative requirement for pharmacies to get a clinical lab director to sign off of regarding the administration of certain tests. This bill would amend the Department of Health's chapter as well as the Board's scope of practice. She asked for those who are interested in collaborating on this bill to contact her directly.

Correspondence:

Pharmacists Prescriptive Authority

The Chair reviewed an email from Ms. Wong which asked:

Under HRS 461 Practice of Pharmacy:

1. What type of drugs are included in a pharmacists' prescriptive authority in 2(A)?

2. What is initiating under 2(C) and does the provision allow for the ordering of drugs other than oral emergency contraception under collaborative agreements?
3. If the answer to #2 is yes, why was 2(C) written? Please describe an example that distinguishes a pharmacist's prescriptive rights in 2(A) and 2(C).

The Chair addressed the first question and stated that pharmacists are able to prescribe oral contraceptives and Narcan with appropriate training required under prescriptive authority. DAG Wong suggested not including oral contraceptives and Narcan in the response, but instead referring to the language of HRS 461-5-2A which states:

- (2) Performing the following procedures or functions as a 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:
 - (A) Ordering or performing routine drug therapy related patient assessment procedures.

The Chair addressed the second question and referenced HRS 461-5-2C which states:

- (C) Initiating emergency contraception oral therapy drug therapy in accordance with a written collaborative agreement approved by the board, between a licensed physician or an advance practice registered nurse with prescriptive authority and a pharmacist who received appropriate training that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE), curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy.

The Chair stated that HRS 461-5-2C does not allow for ordering of drugs other than oral contraceptives, therefore Ms. Wong's third question does not apply.

Mr. Adams was concerned that he does not want to give the wrong message implying that there is no prescriptive authority, since there is, but not in this section.

The Chair responded that although HRS-461-2A does not address prescriptive authority, the practice of pharmacy does include the pharmacist's prescriptive authority for items including oral contraceptives and Narcan.

EO Skizewski recommended referring to the opioid antagonist protocols.

DAG Wong reiterated that the reference to HRS-461-2A is with respect to drug related patient assessment procedures. If Narcan falls under drug therapy, then the Board may identify Narcan or oral contraception.

Mr. Adams noted that he reviewed other scopes of practice as a guide. The closest relation he could find was between the physician assistants and physicians. Pharmacists have the ability to collaborate in a similar way to order drug therapy.

The Chair clarified that drug therapy is referenced in HRS-461-2, but not specifically in HRS 461-2A.

Mr. Adams responded that collaboration is mentioned in HRS-461-2A and the only reason you can put C in there is when it is used to collaborate with health professionals. If you use collaborate for C, then you use it for A as well.

The Chair stated that when ordering or performing routine drug therapy, related patient assessment procedures is in A.

Mr. Adams responded that it would be in collaboration with a health physician or surgeon.

Chair stated that there's no prescriptive authority in this section. DAG Wong also recommended that it is better to leave it vague as it is referenced in another section.

Upon a motion by the Chair, seconded by Mr. Kikuchi, it was voted on and unanimously carried to provide the following response:

1. HRS-461-2A does not designate prescriptive authority, but other sections of practice of pharmacy act do address prescriptive authority.
2. Initiating means that the Board would be the first point of contact and would initiate the cascade of events, ask questions, and determine the need if the provision allows for ordering drugs other than the oral contraceptives.
3. Not applicable.

Applications:

Ratification Lists

Upon a motion by the Mr. Adams, seconded by Mr. Kikuchi, it was voted on and unanimously carried to approve the ratification list(s) for pharmacists, pharmacies, miscellaneous permits and pharmacy/miscellaneous closures, change of PIC and relocations.

Executive Session:

At 9:28 a.m., upon a motion by Mr. Kikuchi, seconded by Mr. Adams, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-4 and 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. Garber entered the Teams meeting at 9:33 a.m.

Mr. Garber left the Teams meeting at 9:35 a.m.

At 9:37 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

Pharmacist

The Chair asked for a motion regarding the following pharmacist applications:

- i. Zunaid R. Au

Upon a motion by the Chair, seconded by Mr. Kikuchi, it was voted on and unanimously carried to deny the application pursuant to the following section(s):

§461-5 Qualifications for license. (a) Any applicant for a license as a pharmacist shall submit an application on a form prescribed by the board and shall provide evidence to the board that the applicant:

- (5) Does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or the District of Columbia, or if any license has been or is encumbered, the applicant shall provide all information requested by the board.

§461-8.5 Reciprocity. (a) Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure; provided that:

- (4) The pharmacist does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the pharmacist shall provide any information requested by the board;

§436B-19 Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

(13) Revocation suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;

ii. Garrett Eugene Garber

Upon a motion by the Chair, seconded by Mr. Kikuchi, it was voted on and unanimously carried to deny the application pursuant to the following section(s):

§461-5 Qualifications for license. (a) Any applicant for a license as a pharmacist shall submit an application on a form prescribed by the board and shall provide evidence to the board that the applicant:

(5) Does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or the District of Columbia, or if any license has been or is encumbered, the applicant shall provide all information requested by the board.

§461-8.5 Reciprocity. (a) Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure; provided that:

(4) The pharmacist does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the pharmacist shall provide any information requested by the board;

§436B-19 Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

(13) Revocation suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;

Miscellaneous Permit

The Chair asked for a motion regarding the following miscellaneous permit application:

i. **Coram Alternate Site Services, Inc. dba Coram CVS/Specialty Infusion Services – approve (Pat, Catalina)**

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

carried to approve the application.

Mr. Kikuchi experienced audio issues, so the Chair reaffirmed all of his previous votes on the aforementioned applications.

Chapter 91, HRS
Adjudicatory Matters:

The Chair called for a motion in regard to the following adjudicatory matters:

Upon a motion by Mr. Tokumaru, seconded by the Mr. Kikuchi, it was voted on and unanimously carried to approve the following adjudicatory matters:

- a. In the Matter of the Miscellaneous Permit of **DEGC ENTERPRISES (U.S.), INC, dba CCS MEDICAL; PHA 2021-13-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1";
- b. In the Matter of the Miscellaneous Permit of **WAL MART STORES EAST L, dba WAL MART PHARMACY 10-5315, PHA 2021-9-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"
- c. In the Matter of the Miscellaneous Permit of **Accredo Health Group, Inc.: PHA 2020-182-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

Next Meeting:

There being no further agenda items, the Chair announced the next meeting. All members stated that they are available.

January 20, 2022

9:00 a.m.

Virtual

Adjournment:

There being no further business to discuss, the Chair adjourned the meeting at 9:46 a.m.

Taken by:

/s/ Kellie Teraoka
Kellie Teraoka, Secretary

Reviewed and Approved by:

/s/ James Skizewski
James Skizewski, Executive Officer

JS:kt
1/10/22

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____