

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

MINUTES OF MEETING

Date: May 19, 2022

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

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

Staff Present: James Skizewski, Executive Officer (“EO Skizewski”)
Lee Ann Teshima, Executive Officer (“EO Teshima”)
Shari Wong, Deputy Attorney General (“DAG”)
Kellie Teraoka, Secretary
Jaymie Nakama, Secretary
Leanne Abe, Tech Support Staff
Mia Dao Linh Trung Hoang, Tech Support Staff

Excused: Julie Takishima-Lacasa, PhD, Public Member, Vice-Chairperson
Patrick Adams, Pharmacist

Guests: BFletcher
Cherylynn Cheng
Corrie Sanders, HPA
Dan Richards
Kellie Noguchi
Melissa Curry
Michael Hua
Robbie Chambliss
Samantha Chessie
Shmuel Winzelberg
Stacie’s Phone
Stacy Pi
Tiffany Yajima
Anonymous

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 9:05 a.m. All Board members were present and alone, with the exception of Ms. Tokumaru who had a household member present at her nonpublic location. The Vice-Chair and Mr. Adams were excused from the meeting.

Chair's Report:

Announcements

The Chair reported she had no announcements.

Approval of Minutes of the March 17, 2022 Meeting

The Chair asked if there were any corrections or discussion of the March 17, 2022 meeting minutes.

There being no corrections/amendments, upon a motion by Mr. Brown, seconded by Ms. Cross, it was voted on and unanimously carried to approve the open session minutes of the March 17, 2022 meeting, 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:

2022 Legislative Session

EO Skizewski provided updates on the following bills:

1) HB2340 HD2 SD2, Relating to Controlled Substances

Report Title: Uniform Controlled Substances Act; Pharmacies; Prescriptions; Address; Post Office Boxes

Description: Allows post office boxes and rural and highway contract route boxes to be permissible for a prescription to be considered valid, only if a physical address where an individual resides is on file with the dispensing pharmacy. Effective 7/1/2022. (SD2)

EO Skizewski stated that HB2340 made its way to the Governor for signature. Once signed, the Board can discuss the enactment of the legislation.

EO Skizewski reported that all the continuing education audit responses were due on May 16, 2022. He will provide more information on the response rate in the next meeting.

The Chair reminded members that meetings are now hybrid where members of the public may attend virtually or in-person.

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: ***Corrie Sanders was promoted to a panelist at 9:09 a.m.***

Ms. Sanders shared that in April, the Hawaii Pharmacists Association (“HPA”) held their annual meeting at the Oahu Country Club. The meeting went smoothly and had a lot of participation. They discussed legislative initiatives which will be presented in the 2023 session and their major initiative is advocating for payments for pharmacist cognitive services through Medicaid. They wanted to bring attention to this because they want to clarify that they are not advocating for the expansion of the scope of pharmacy practice, they are simply seeking reimbursement for services that pharmacists are already providing. HPA hopes to obtain enough support from the Board and the community on this initiative.

Corrie Sanders returned to an attendee at 9:11 a.m.

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

Staff reported that no one raised their hand.

Applications:

Executive Session: At 9:12 a.m., upon a motion by Mr. Brown, seconded by Ms. Tokumaru, 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.”

At 10:31 a.m., upon a motion by Mr. Kikuchi, seconded by Mr. Brown, it was voted on and unanimously carried to move out of executive session.

Ratification Lists

Upon a motion by Mr. Brown, seconded by Ms. Tokumaru, it was voted on and unanimously carried to approve the ratification list.

Applications

Miscellaneous Permit

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

i. Tolley Valerie dba health Care Medical Infusion Specialties

Upon a motion by Mr. Brown, seconded by Mr. Kikuchi, it was voted on and unanimously carried to approve the application, except for including Leann Williams.

ii. Creative Compounds, Inc. dba Harbor Compounding and Home Health Care Pharmacy

Mr. Kikuchi left the Teams meeting at 9:29 a.m.

Mr. Kikuchi returned to the Teams meeting at 9:31 a.m.

Mr. Hua experienced technical difficulties and joined the Teams meeting at 9:41 a.m.

Mr. Hua left the Teams meeting at 9:56 a.m.

Upon a motion by Mr. Brown, seconded by Mr. Kikuchi, it was voted on and carried by the majority, to defer the application until the next meeting, pending submission of updated documents.

iii. Covetrus North America, LLC (Nebraska)

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

iv. CRx Specialty Solution Pharmacy, LLC

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

v. Covetrus North America, LLC (Maine)

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

vi. Walgreen Co., dba Premise Health Wellness Center

Upon a motion by Mr. Kikuchi, seconded by Mr. Brown, it was voted on and unanimously carried to approve the application.

vii. PRXP of New York, LLC dba Broadway Family Pharmacy

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

viii. UpScript Pharmacy, LLC

After due consideration of the information received, it was moved by the Chair, seconded by Mr. Brown, and unanimously carried to deny UpScript Pharmacy's application.

The 2015 disciplinary action by the Utah Board of Pharmacy in which it states that pharmacist Robert M. Lammle, who is now employed at UpScript Pharmacy was disciplined for, but not limited to, unlawful and unprofessional conduct. After review of the included information, the

Board is concerned with the pharmacy and their employment of a pharmacist who could potentially service patients in Hawaii.

The Board based its decision on the following grounds of the Hawaii Revised Statutes (“HRS”) and Hawaii Administrative Rules (“HAR”), which find factual support in the records and files of UpScript’s Application:

HRS §436B - 19 provides that:

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:

- (1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (7) Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;
- (9) Conduct or practice contrary to recognized standards of ethics for the licensed profession or vocation;
- (12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license;
- (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;

ix. Musely Compounding Pharmacy, LLC dba Musely Compounding Pharmacy

Upon a motion by Mr. Brown, seconded by Mr. Kikuchi, it was voted on and unanimously carried to approve the application.

x. Founder Project Rx, Inc. dba ReCept Pharmacy #1

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

Chapter 91, HRS

Adjudicatory Matters:

The Chair called for a motion regarding the following adjudicatory matters:

Upon a motion by Ms. Tokumaru, seconded by Mr. Kikuchi, it was voted

on and unanimously carried to approve the following adjudicatory matters:

- a. In the Matter of the Miscellaneous Permit of **Pacifico West RX, Inc. dba Purescience RX; PHA 2022-8-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 **Valor Compounding Pharmacy; PHA 2020-154-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 **Promise Pharmacy, LLC; PHA 2022-4-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1-2"
- d. In the Matter of the Miscellaneous Permit of **Costco Wholesale Corporation, dba Costco Pharmacy #562; PHA 2021-68-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1-2"
- e. In the Matter of the Miscellaneous Permit of **SP2, LLC; PHA 2021-58-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"
- f. In the Matter of the Miscellaneous Permit of **Watson RX Solutions, Inc.; PHA 2022-7-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1" - "2"
- g. In the Matter of the Miscellaneous Permit of **Caremark Texas Mail Pharmacy, LLC dba CVS Pharmacy; PHA 2022-19-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order
- h. In the Matter of the Miscellaneous Permit of **Enclara Pharmacia, Inc.; PHA 2022-14-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"
- i. In the Matter of the Miscellaneous Permit of **integrity RX Specialty Pharmacy, LLC; PHA 2022-6-L; PHA 2022-21-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1" and "2"
- j. In the Matter of the Miscellaneous Permit of **RXC Acquisition Company, dba RXCrossroads by McKesson; PHA 2022-25-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"
- k. In the Matter of the Miscellaneous Permit of **Chew Pharmacy KY, LLC; PHA 2021-45-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"
- l. In the Matter of the Miscellaneous Permit of **Walgreens.com, Inc. dba Walgreens; PHA-2021-54-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"
- m. In the Matter of the Miscellaneous Permit of **AGROPEC TRADING, LLC. dba ALLIVET; PHA 2022-2-L**, Settlement Agreement Prior Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "2"
- n. In the Matter of the Miscellaneous Permit of **Easy RX Pad, LLC dba Procure Pharmaceutical Services; PHA 2022-22-L**, Settlement Agreement Prior 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 to attend.

Date: Thursday, June 16, 2022
Time: 9:00 a.m.
In-Person: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813
Virtual Zoom Webinar

Adjournment: There being no further business to discuss, the Chair adjourned the meeting at 10:40 a.m.

Taken by:

/s/ Jaymie Nakama
Jaymie Nakama, Secretary

Reviewed and Approved by:

/s/ James Skizewski
James Skizewski, Executive Officer

JS;jn
5/24/22

Minutes approved as is.
 Minutes approved with changes; see minutes of _____