

BOARD OF PHARMACY

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

MINUTES OF MEETING

Date: Tuesday, February 7, 2023

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/98282989625>

Members Present: Alanna Isobe, Chairperson (“Chair”)
Patrick Adams, Pharmacist, Vice Chairperson (“Vice Chair”)
Mark Brown, Pharmacist
Catalina Cross, Public Member
Brandon Rabang, Public Member

Staff Present: James Skizewski, Executive Officer (“EO Skizewski”)
Shari Wong, Deputy Attorney General (“DAG Wong”)
Leanne Abe, Secretary
Mia Hoang, Tech Support Staff
Lausei Taua, Tech Support Staff

Excused: Kent Kikuchi, Pharmacist
Sheri Tokumaru, Pharmacist

Virtual Guests: Chris Spitzer
Clay Parkel
Dayna Wong-Otis
Deborah Kelly
Dr. Edward Desmond – Director of Department of Health, State Laboratories Division
Faiez Usman
Grace Sesi
Corrie Sanders – Hawaii Pharmacists Association
Kerri Okamura
Lorri Walmsley – Walgreens
Maimuna Bruce Uzzell
Martha Rozell
Mauliola Pharmacy
Megan

Patrick
Tiffany Yajima – Walgreens
Victoria Kroeger

Call to Order: The agenda for this meeting was posted on the State electronic calendar as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

The Chair took a roll call to establish quorum and called the meeting to order at 1:05 p.m. All Board members confirmed that they were present and alone, with the exception of Ms. Tokumaru and Mr. Kikuchi who were excused from the meeting.

Chair's Report: **Announcements**

The Chair reported that the Board will be tracking H.B. 1083, Relating to the Repeal of Section 328-106, Hawaii Revised Statutes, and H.B. 1099, Relating to the Electronic Prescription Accountability System.

Approval of Minutes of the December 15, 2022 Meeting

The Chair asked if there were any corrections or discussion of the December 15, 2022 meeting minutes.

There being no corrections/amendments, upon a motion by Ms. Cross, seconded by the Vice Chair, it was voted on and unanimously carried to approve the minutes of the executive session and the minutes of the open session of the December 15, 2022 meeting, as circulated.

Mr. Rabang experienced technical difficulties and left the meeting at 1:08 p.m.

Mr. Rabang rejoined the meeting at 1:09 p.m.

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:

2023 Legislative Session

EO Skizewski reported that the following bills are moving forward in the Legislative session and that it is imperative to get the Board's position on these bills.

The Board amended the agenda, as follows (with new material underscored in bold and repealed material bracketed and stricken through):

1) S.B. 60, Relating to Health

Report Title: Controlled Substances; Prescriptions; Out-Of-State Prescribers

Description: [~~Mandates reimbursement for services provided by participating registered pharmacists practicing within their scope of practice by private and public health plans in the State beginning January 1, 2024.~~ **Authorizes state-licensed and credentialed physicians, advanced practice registered nurses, and physician assistants, who are not physically in the State, to issue prescriptions for certain controlled substances under a limited circumstance. Authorizes pharmacies to dispense the prescriptions.**

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

Staff reported that no one raised their hand.

EO Skizewski stated that S.B. 60 was not heard by a committee yet. He will reach out to the Narcotics Enforcement Division (“NED”) regarding their position on this bill.

The Board will track S.B. 60.

The Board amended the agenda, as follows (with new material underscored in bold and repealed material bracketed and stricken through):

2) S.B. 165/H.B. 1221, Relating to Pharmacists

Report Title: Insurance Coverage; Pharmacists; Reimbursement

Description: [~~Authorizes state-licensed and credentialed physicians, advanced practice registered nurses, and physician assistants, who are not physically in the State, to issue prescriptions for certain controlled substances under a limited circumstance. Authorizes pharmacies to dispense the prescriptions.~~ **Mandates reimbursement for services provided by participating registered pharmacists practicing within their scope of practice by private and public health plans in the State beginning January 1, 2024.**

EO Skizewski stated that S.B. 165 has been referred to the Health and Human Services (“HHS”) committee and the Consumer Protection and Commerce (“CPC”) committee but has not been heard by a committee yet. H.B. 1221 has been referred to the HHS, CPC, and Finance (“FIN”) committees. He stated that H.B. 1221 has moved past the HHS committee with technical amendments on February 3, 2023.

EO Skizewski asked if Ms. Sanders wanted to address the content of this bill and to answer any questions the Board may have.

Corrie Sanders, Hawaii Pharmacists Association (“HPA”), was promoted to a panelist.

Ms. Sanders stated that HPA has 122 pages of testimony support with no opposition to the bill. The only amendment was to push out this initiative to 6/30/3000 to ensure it is

rolled out simultaneously.

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

Staff reported that no one raised their hand.

Upon a motion by the Mr. Brown, seconded by the Vice Chair, it was voted on and unanimously carried to support both S.B. 165 and H.B. 1221.

Corrie Sanders returned to an attendee.

3) S.B. 608/H.B. 218, Relating to Prescription Drugs

Report Title: Deaf and Blind Task Force; Prescription Drug Label Information; Accessibility; Pharmacies; Board of Pharmacy; Administrative Rules

Description: Requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed prescription drug container labels and inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading prescription drug container labels. Requires the Board of Pharmacy to adopt certain rules by December 31, 2023.

EO Skizewski stated that S.B. 608 has been referred to the HHS and CPC committees and will be heard on February 8, 2023. Based on the Board discussion, he will draft written testimony for the upcoming hearing reflecting the Board's comments and position. H.B. 218 was not heard by a committee yet.

The Board expressed concern regarding the mandate of pharmacies to provide accessible prescription drug label information, the types of device readers, the costs to the pharmacies, and the logistical issues with adopting these rules by December 31, 2023.

The Chair stated that adopting new rules is a long process and the Board would need to ask for an extension to the December 31, 2023 adoption date.

Mr. Brown suggested looking at other states and how they are adopting the new rules.

The Vice Chair stated that pharmacists are always available for counseling services when they dispense prescription to individuals.

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

Staff reported that no one raised their hand.

The Board will take no position and provide comments based on the discussion on S.B. 608.

4) S.B. 602/H.B. 659, Relating to Health

Report Title: Diagnostic Testing; CLIA-Waived Tests; Pharmacists; Permit; Education Requirements

Description: Establishes permitting and education requirements for pharmacists ordering or collecting specimens for certain diagnostic tests or tests waived pursuant to the Clinical Laboratory Improvement Amendments of 1988 (CLIA). Expands the definition of "practice of pharmacy" to include the ordering of certain tests and collecting specimens for certain diagnostic or CLIA-waived tests.

EO Skizewski stated that S.B. 602 has been referred to the HHS and CPC committees and has not been heard by a committee yet. H.B. 659 has been referred to the HHS, CPC, and Higher Education ("HRE") committees. On February 1, 2023, it was passed through the HHS committee with amendments that include pharmacists will only gather specimens related to the diagnostic laboratory testing. He stated that the Board has been supportive with similar legislation in the past. He further stated that H.B. 659 directly amends Hawaii Revised Statutes ("HRS") Chapter 461, in the practice of pharmacy.

EO Skizewski asked if Ms. Yajima and Ms. Walmsley wanted to address the content of this bill and to answer any questions the Board may have.

Tiffany Yajima and Lorri Walmsley were promoted to panelists.

Ms. Yajima provided a brief background on this bill. She stated that a similar bill was introduced last year, but this measure amends the HRS that pharmacists may order and collect CLIA-Waived tests and a limited number of diagnostic tests. She emphasized that pharmacists will not be processing these tests.

EO Skizewski stated that Representative Kobayashi wanted to know what other states allow pharmacists to order and collect CLIA-Waived tests.

Ms. Walmsley stated that she does not have the information with her but will provide the Board a list of states that allow pharmacists to order and collect CLIA-Waived tests.

EO Skizewski asked if Dr. Edward Desmond could be promoted to panelist.

Dr. Edward Desmond, Director of Department of Health, State Laboratories Division, was promoted to panelist.

Dr. Desmond stated that the Department of Health is tracking this bill. He commented that under the PREP Act, pharmacists have been authorized to order and administer COVID-19 testing. They are permitted to perform other waived tests including pregnancy, blood glucose, blood and stool hemoglobin, test reading of blood lipid panels, urine test for diabetes, infection for kidney disease, electrolytes, test for blood clotting, etc. He stated that this was a big change in the pharmacist scope of practice.

The Vice Chair questioned the definition of CLIA-Waived tests.

Dr. Desmond responded that there are two (2) categories of waived tests: 1) approved for home use and 2) approved for waived laboratories.

The Vice Chair questioned if a pharmacist would be able to perform anything that would be considered a test approved for home use.

Dr. Desmond opined that it would be prohibited for the pharmacist to perform a home test if the laboratory doing the testing has a certificate of waiver.

Tiffany Yajima and Lorri Walmsley returned to an attendee.

EO Skizewski asked if Kerrie Okamura and Corrie Sanders could be promoted to panelist to address the education portion of the bill.

Kerrie Okamura and Corrie Sanders were promoted to panelists.

Ms. Okamura explained the education requirements for pharmacists before ordering or performing the collection of specimens for, certain diagnostic related and CLIA waived tests. Pharmacists are required to complete a sixteen (16) hour study course followed by four (4) hours of live training with a skills assessment in order to be certified. She stated that pharmacies are highly accessible in rural communities and will help with early detection of acute infections and prime diseases, which will improve the quality of healthcare.

The Chair mentioned that there has been a shortage of physicians on the outer islands and the pharmacists have been critical in the healthcare profession.

Mr. Sanders commented that pharmacists are the most available healthcare resource, and they support this bill.

Dr. Desmond commented that the issue is not about the training or the individuals performing the tests, but rather who is ordering and getting the results of the tests.

Kerrie Okamura, Corrie Sanders, and Dr. Edward Desmond returned to an attendee.

Mr. Rabang left the meeting at 1:45 p.m.

The Vice Chair expressed his concern that although he is in support of the bill, opined that it is limiting to the scope of practice of a pharmacist.

Upon a motion by the Ms. Cross, seconded by Mr. Brown, it was voted on and unanimously carried to support both S.B. 602 and H.B. 659.

5) S.B. 604, Relating to Health

Report Title: Abortion; Reproductive Health Care Services; Information; Privacy; Protection

Description: Prohibits state and county employees and officers from providing reproductive health care services patient information or expending state resources in furtherance of another state's investigation or proceeding that seeks to impose civil, criminal, or professional liability upon a person or entity related to reproductive health care services. Prohibits any person from being compelled to provide reproductive health care services patient information. Prohibits any persons from being disqualified from licensure or subject to discipline by a Hawai'i board of professional licensure for providing reproductive health care services.

EO Skizewski stated that there are similar bills S.B. 896 / H.B. 1427 that amends HRS Chapter 461.

The Board has no opposition (in affirming their stance in protecting human reproductive rights as allowable in the State of Hawaii) for S.B. 604.

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

Staff reported that no one raised their hand.

6) S.B. 693, Relating to Pharmacists

Report Title: Insurance Coverage; Pharmacists; Reimbursement

Description: Mandates reimbursement for services provided by participating registered pharmacists practicing within their scope of practice by private and public health plans in the State after 7/1/2025.

EO Skizewski stated that S.B. 693 was not heard by a committee yet and is similar to S.B. 165.

7) S.B. 1017, Relating to Health

Report Title: Advance Health-Care Directive; Voluntary Non-Opioid Option

Description: Adds a voluntary non-opioid option to the sample advance health-care directive form. Establishes that a prescription presented or electronically transmitted to a pharmacy shall be presumed valid and grants pharmacists immunity from civil, criminal, and professional liability for dispensing an opioid in contravention of a patient's non-opioid directive.

The Board will track S.B. 1017.

Hawaii Pharmacists Association

None.

Board Business: **Permitted Interaction Group (PIG) related to Pharmacy Technicians**

Permitted Interaction Group (PIG) related to Pharmacy Miscellaneous Permits

EO Skizewski stated that both PIGs will meet via virtual videoconference meeting Zoom webinar on February 16, 2023. The PIG related to Miscellaneous Permits will meet at 9:00 a.m., and the PIG related to Pharmacy Technicians will meet at 10:30 a.m. He stated that many individuals have reached out in regard to the PIG related to Pharmacy Technicians meeting. The Pharmacy Technician Certification Board (“PTCB”) will be attending the meeting to share their experience with new states looking into regulating pharmacy technicians.

Applications:

Executive Session: At 2:03 p.m., upon a motion by the Vice Chair, seconded by Mr. Brown, 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 2:11 p.m., upon a motion by the Vice Chair, seconded by Mr. Brown, it was voted on and unanimously carried to move out of executive session.

Ratification Lists

Upon a motion by the Vice Chair, seconded by Mr. Brown, it was voted on and unanimously carried to approve the ratification list(s) for pharmacists, pharmacies, miscellaneous permits, wholesale prescription drug distributors, and pharmacy/miscellaneous permits closures/cancellation, change of PIC, relocations, and name change.

Applications

Miscellaneous Permit

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

- i. **Covetrus North America, LLC**
- ii. **Seven Hills Pharmacy LLC**
- iii. **WP Pharma Labs, Inc.**
- iv. **Credena Health LLC**

Upon a motion by the Vice chair, seconded by Mr. Brown, it was voted on and unanimously carried to approve the aforementioned miscellaneous permit applications.

Chapter 91, HRS

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

Adjudicatory Matters:

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

- a. In the Matter of the Miscellaneous Permit of **Wells Pharmacy Network, LLC; PHA 2022-74-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order
- b. In the Matter of the Miscellaneous Permit of **Imprimisrx NJ LLC, dba Imprimisrx, formerly known as Pharmacy Creations LLC; PHA 2022-73-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "2"
- c. In the Matter of the Miscellaneous Permit of **Optime Care Inc.; PHA 2022-41-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "2"
- d. In the Matter of the Miscellaneous Permit of **Accredo Health Group, Inc.; PHA 2022-64-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"
- e. In the Matter of the Miscellaneous Permit of **Walgreens.com, Inc. dba Walgreens; PHA 2022-55-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" - "2"
- f. In the Matter of the Miscellaneous Permit of **Integrated Health Concepts, Inc. dba Conversio Health; PHA 2022-34-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"
- g. In the Matter of the Miscellaneous Permit of **Mayo Foundation for Medical Education & Research; PHA 2022-114-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Next Meeting:

There being no further agenda items, the Chair announced the next scheduled meeting, but a possibility of holding a March 2023 meeting.

April 20, 2023
9:00 a.m.

In-Person: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting
Zoom Webinar

Adjournment:

There being no further business to discuss, the Chair adjourned the meeting at 2:15 p.m.

Taken by:

Reviewed and Approved by:

/s/ Leanne Abe

/s/ James Skizewski

Leanne Abe, Secretary

James Skizewski, Executive Officer

JS:la
3/1/23

Minutes approved as is.

Minutes approved with changes; see minutes of _____