

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

MINUTES

Date: February 1, 2024

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Members Present: Alanna Isobe, Chairperson (“Chair”)  
Kent Kikuchi, Pharmacist  
Brandon Rabang, Public Member  
Sheri Tokumaru, Pharmacist

Members Present Virtual: Patrick Adams, Pharmacist  
Mark Brown, Pharmacist  
Catalina Cross, Public Member

Staff Present: James Skizewski, Executive Officer (“EO” Skizewski)  
Andrew Kim, Deputy Attorney General (“DAG”)  
Lorna Eugenio, Secretary  
Mia Hoang, Tech Support Staff  
Johnny Li, Tech Support Staff

Virtual Guests: Annie Macapagal  
Erik Abe – Hawaii Primary Care Association  
Grace Sesi  
Jessica Adams  
Kurt Shuster – Rainbow Pharmacy  
Michael Burke- Department of Health, Food and Drug Branch  
Corrie Sanders- Hawaii Pharmacist Association

Call to Order: The Chair took a roll call of the Board members. After taking roll, quorum was established, and the meeting was called to order at 9:07 a.m.

Chair Isobe noted the presence of Mark Brown who was having issues with his audio. With more members present than needed to establish quorum Chair Isobe stated that the meeting will continue while Mr. Brown worked to correct his audio issues.

Chair’s Report: **Announcements**

Chair Isobe announced that she received a request from the National Association of Boards of Pharmacy (“NABP”) requesting a member of the Board to attend their Multistate Pharmacy

Jurisprudence Examination (“MPJE”) question writing seminar in Chicago scheduled for March 2024. Chair Isobe asked the members to check on their availability and contact NABP if they are willing to attend.

### **Approval of the Minutes of December 21, 2023, Meeting**

Chair Isobe deferred the approval of the minutes from the December meeting to the next meeting of the Board of Pharmacy (“Board”).

### Executive Officer’s Report:

### **Lanai Community Health Center Proposed Legislation**

EO Skizewski stated that the Board extended the Lanai Community Health Center (“LCHC”) remote dispensing pilot project at their last meeting to June 2024. The extension allowed for LCHC to propose legislation during the 2024 Legislative Session to make allowances permitted under the pilot project permanent. The Board reviewed draft legislation and voted at their last meeting to appreciate the intent of the draft legislation but awaited review of the introduced version of the bill to make a formal decision. The Board also requested at the December 2023 meeting that compounding be removed from the version that was to be introduced before the legislature.

EO Skizewski updated the Board that no bill was introduced before the legislature this session. Included in meeting distribution packet was a letter addressed to Chair Isobe, Governor Ige, and others which included a draft resolution related to the urging of the Board to support the project.

*Erik Abe was promoted to panelist.*

Patrick Adams noted there was a discussion at the last meeting related to immunizations which were provided at the health center but billed through the pharmacy. Vice-Chair Adams noted his concern with the pharmacy getting the benefit of billing for services that were provided at the health center by health center staff.

Erik Abe stated that following the December 2023 meeting of the Board, the HPCA met with LCHC and based on the requests by the Board, it was not appropriate for the draft legislation to be introduced. They decided to memorialize the actions that have taken place regarding the history of the pilot project in a letter that was sent to the Board Chair and the Governor. Mr. Abe added that they were worried if the legislation did not pass, the fault would lay with the legislature. The letter and included draft resolution would ask the legislature to evaluate the history of the project and if passed would urge the Board to take a position on an initiative that supports seventy percent of Lanai. Mr. Abe stated that there has been discussion with American Association of Retired Persons, labor unions, and service providers that if this pilot project would end prescription drugs costs would rise for Lanai residents and could result in the delay of medications. Mr. Abe concluded that HPCA and LCHC is still willing to work with the Board to address any concerns.

Chair Isobe noted that the letter was received and noted that the Board did not take a position on the draft legislation as they awaited the introduced version of the bill. No bill was introduced. Chair Isobe added that the Board has been accommodating of LCHC’s requests throughout the pilot

project. Chair Isobe stated that there is currently a pharmacy on Lanai which would help mitigate any issues related to medication delays.

Kent Kikuchi noted that along with the letter sent to Chair Isobe a draft resolution noted that the sole pharmacy on Lanai is not interested in working with LCHC. Kikuchi asked if there has been a follow up or any dialogue with the pharmacy on Lanai related to their willingness to provide LCHC with 340B program medications.

Erik Abe responded that the Board should speak with Rainbow Pharmacy. LCHC has tried in the past to partner with Rainbow Pharmacy, but the pharmacy declined to be a part of the 340B program. That decision led LCHC to look for alternate ways to provide patients with medications under the 340B program. LCHC is always willing to meet with potential partners. Mr. Abe noted his concern with the Board leaving LCHC out of any discussions with Rainbow Pharmacy as LCHC is unable to respond and the discussion may be subject to Sunshine Law requirements.

Mr. Kikuchi stated that LCHC informed the Board at the December 2023 meeting, they would reach out to Rainbow Pharmacy to see if there was an opportunity to partner going forward and added that the Board has not received an update on that discussion.

Chair Isobe stated that the LCHC remote dispensing pilot project was originally approved based on the provided information that no pharmacy on Lanai would aide LCHC in the provision of medications under the 340B program.

*Erik Abe was returned to attendee.*

*Kurt Shuster was promoted to panelist.*

Kurt Shuster introduced himself as the owner of Rainbow Pharmacy on Lanai. Shuster noted that they work closely with LCHC. Mr. Shuster noted he spoke with Jared Medeiros of LCHC and informed him that Rainbow Pharmacy since 2015 has been willing to partner with them to provide medication under the 340B program. Mr. Shuster explained that since management at LCHC has changed, LCHC's willingness to partner has improved. Mr. Shuster noted his support of the current remote dispensing initiative as he is the only pharmacist on the island. Mr. Shuster added that although it is said there exists conflict between the two entities, it is not true. Rainbow Pharmacy has a long-standing history of working with LCHC. Mr. Shuster apologized for not being able to attend sooner to provide the Board with his understanding of the situation on Lanai.

Vice-Chair Adams noted that he is unaware of any unpermitted discussion between the Board and Rainbow Pharmacy. Vice-Chair Adams added that the Board's decision to approve the pilot project was attributed to the provision of 340B discounted medication to Lanai residents. Vice-Chair Adams explained that Veteran's Affairs ("VA") does provide mail order prescriptions across the nation and that the situation on Lanai is not unique. There are patients in more remote locations that receive 340B medications through the mail. Vice-Chair Adams also noted his concern with the quality of service provided through a remote pharmacy.

Vice-Chair Adams requested information on how LCHC preforms vaccinations through the health center but is billed through the pharmacy. This process allows LCHC staff to provide services that should be provided through the pharmacy for which it is being billed.

Kent Kikuchi asked LCHC to respond to Shuster's willingness to partner as a 340B medication provider. Mr. Kikuchi added that having services provided through a pharmacy on Lanai would provide for a safer process which will further benefit the Lanai community.

***Erik Abe was promoted to panelist.***

Erik Abe noted that HPCA advised LCHC to not attend today's meeting as they were not prepared to respond to questions and their position was made clear through the submitted letter. Mr. Abe requested that if the Board would like HPCA or LCHC to respond to questions, it be put in writing and submitted.

EO Skizewski asked, and Mr. Abe responded that he drafted the draft resolution that accompanied the letter sent to Chair Isobe and the Board.

EO Skizewski asked, and Mr. Abe responded that Rainbow Pharmacy is the pharmacy referenced on page three of the resolution that relates to the sole pharmacy of Lanai not being a 340B program affiliated pharmacy.

The Chair asked if there were any further questions from the Board. Seeing none, the Chair asked for a motion to move into Executive Session in accordance with HRS, 92-4 and 92-5(a) (4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

***Erik Abe and Kurt Shuster was returned to attendee.***

At 9:36 a.m., upon a motion by Chair Isobe, seconded by Mr. Kikuchi, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-4 and 92-5(a) (4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

Hearing no objections, it was unanimously carried to move out of executive session at 9:54 a.m.

Chair Isobe thanked attendees for their testimony and encouraged continued dialogue between LCHC and Rainbow Pharmacy.

EO Skizewski added that the Board's ability to exempt applicants of a pilot project from portions of laws is not a means to make permanent change. The Board looks forward to addressing any legislation or resolutions related to the project. The LCHC pilot project was extended until June 1, 2024.

**2024 Legislative Session**

EO Skizewski noted he would be highlighting legislation carried over from the 2023 Legislative

Session as well as new legislation that has been introduced in 2024.

Senate Bill ("SB") 60, 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. This bill was carried over from 2023 after not being heard in committee, the Board will continue track this legislation.

SB 165 and House Bill ("HB") 1221, relating to pharmacists, 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. This bill was carried over from 2023. HB 1221 was converted into a study before the Auditor's Office. The Board supported both bills in 2023.

SB 608 and HB 218, relating to prescription drugs, requires pharmacies to provide accessible prescription drug label information to individuals who have difficulty seeing or reading 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. HB 218 was signed into law as Act 256. EO Skizewski noted the Board will need to amend their Hawaii Administrative Rules ("HAR").

SB 604, relating to health, 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 Hawaii board of professional licensure for providing reproductive health care services. This bill was carried over from 2023. The Board voted in 2023 to affirm their stance in protecting human reproductive right as allowed in Hawaii.

SB 693 Relating to Pharmacists was not heard in conference committee as HB1221 was used to address the same issues. The Board voted to support this measure.

SB 1017, relating to health, 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 continue tracking this legislation as it was not heard in 2023.

SB 2199, relating to out-of-state prescriptions, authorizes out-of-state pharmacists to transfer prescription information for the initial fill of a prescription. EO Skizewski noted the intent of this bill is to align Department of Health ("DOH") HRS 328 with the Board's HAR 16-95-84. SB 2199 has passed through its first committee. Chair Isobe noted that most of the testimony was in support. Vice-Chair Adams noted his support for the bill. Chair Isobe noted controlled substances are not

included. Mr. Burke introduced himself to the Board and noted his affiliation with the DOH, Food and Drug Branch. Mr. Burke noted that DOH is in support.

Hearing no objections, Chair Isobe's motion for the Board to support SB 2119 was passed unanimously.

HB 1836, relating to health, allows pharmacists, during declared states of emergency, to refill prescriptions of up to thirty-day supplies of dangerous drugs and dangerous devices if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being. EO Skizewski noted this bill stems from the Lahaina wildfire which left patients unable to contact their providers for medication refills. EO Skizewski noted that controlled substances were excluded from this bill.

Hearing no objections, Chair Isobe's motion for the Board to support HB 1836 was passed unanimously.

HB 2113, relating to pharmacy, establishes the Daniel K. Inouye College of Pharmacy Special Fund to support pharmacist workforce assessment and planning efforts. Establishes the pharmacist workforce assessment fee. Appropriates funds. EO Skizewski noted this bill will establish a Center for Pharmacy by adding an additional fee to obtain and renew licenses under the Board. This center will prioritize workforce assessment, combat drug shortages and pricing, and progressing pharmacy and pharmacist related initiatives. EO Skizewski highlighted the potential annual fee increases which include \$50 to pharmacists, and \$100 to pharmacies and distributors. Mr. Kikuchi asked for more information and a financial analysis related to the benefit licensees will gain in a center for pharmacy. Vice-Chair Adams inquired on the oversight of such a center. EO Skizewski noted this initiative is to provide support for pharmacists and pharmacy initiatives similar to the way the Center for Nursing does for their medical field.

***Corrie Sanders was promoted to panelist.***

Mr. Kikuchi asked Ms. Sanders for more information on how licensees will benefit from such a center. Ms. Sanders noted that the way this bill was drafted to create a permanent advocate for pharmacy in Hawaii in the same way there is an entity that advocates for physicians and nurses. Ms. Sanders added that the fee price range is projected to cover for a pharmacist to fill the position and cover their fringe benefits. Ms. Sanders noted that any surplus of funds for the position will go to scholarship efforts or additional workforce development. Mr. Kikuchi asked, and Ms. Sanders responded that this center could address drug shortages by serving as a conduit for discussion across pharmacy settings to forecast and better address potential shortages. Mr. Kikuchi noted that most hospitals have internal processes to address any shortages. Mr. Kikuchi asked, and Ms. Sanders noted that this position is not a lobbyist but can serve as a collaborative contact to work with other medical fields to improve healthcare. Ms. Sanders added that this position will be dedicated for workforce assessment and development. Chair Isobe asked, and Ms. Sanders noted the center as outlined in this bill will represent all entities related to pharmacy. Ms. Sanders added that she is open to look at ways to provide further oversight. Vice-Chair Adams noted his desire to expand the Board support staff. Ms. Sanders stated that it is not viable to only alter Board of Pharmacy staff, all Boards staff will be affected. Ms. Sanders noted that the center would be held

under the university, but an oversight board could be considered. Mr. Kikuchi asked if it is possible to get matching funds from the state for such a center. Ms. Sanders explained that matching funds are not an option this session as all state funding is going to fund Maui considering the recent emergency. Ms. Sanders assured the Board that the center will benefit the community and her discussions with stakeholders has not received opposition. Mr. Brown noted that many other states include fees for pharmacy inspectors. EO Skizewski Stated that based on the discussion the Board appreciated the intent of the bill but has concerns related to oversight and benefit for licensees. Vice-Chair Adams noted his willingness to increase fees for miscellaneous permits. DAG Kim noted a concern related to the potential breach of the Constitutional Commerce Clause.

***Corrie Sanders was returned to attendee.***

Hearing no objections, Chair Isobe's motion for the Board to support the intent of HB 1836 was passed unanimously. Chair Isobe noted the Board's desire for more information related to oversight and benefit of such a position.

SB 2568 and companion bill HB 2147, relating to health, authorizes pharmacists to order and administer immunizations and vaccinations to children three years of age and older under state law. EO Skizewski noted the legislations intent is to codified expansions related to the Public Readiness and Emergency Preparedness Act ("PREP Act") for pharmacists.

Hearing no objections, Chair Isobe's motion for the Board to support SB 2568 and companion bill HB 2147 passed unanimously.

SB 2899, relating to pharmacists, requires the auditor to conduct an assessment on the social and financial impacts of mandating health insurance coverage for care provided by a participating registered pharmacist practicing within the scope of the pharmacist's license. Requires a report to the legislature before the 2025 regular session. EO Skizewski noted that the study as noted in this bill was done in 2023 and that the bill will likely be amended to require the reimbursement.

Hearing no objections, Chair Isobe's motion for the Board to support SB 2899 passed unanimously.

HB 2553, relating to pharmacists, authorizes pharmacists, pharmacy interns, and pharmacy technicians under the direct supervision of a pharmacist to administer vaccinations to persons between the ages of three and seventeen, if certain requirements are met. Authorizes licensed pharmacists to order vaccines for administration to persons between the ages of three and seventeen. EO Skizewski noted that the bill has been heard and amendments related to adjusting the verbiage to "three years of age and older" will be included. EO Skizewski also noted potential issues if the bill is not amended to address other areas of HRS section 461 where ages are listed. Chair Isobe noted her concern to verbiage that can be read to make it seem technicians are ordering vaccines. Chair Isobe noted that technicians are not regulated in Hawaii. EO Skizewski explained that discussions also mentioned that medical assistants are not regulated and are providing immunizations.

Hearing no objections, Chair Isobe's motion for the Board to support HB 2553 passed unanimously.

HB 2554, relating to pharmacies, requires pharmacies, other than on-site pharmacies in institutional facilities, to make a pharmacy intern, pharmacy technician, pharmacy employee, or an employee of the retail establishment the pharmacy is located in available to assist a registered pharmacist. Mr. Brown noted that the bill is not clear to what situations a pharmacist is required to work. Mr. Brown added that there is no definition for “retail establishments”. Mr. Kikuchi noted his concern with how this bill applies to outsourced pharmacies supporting institutions. Mr. Brown stated that this bill will apply to all practice of pharmacy which does not always necessitate support staff. Chair Isobe noted a similar bill was passed in California but has improved verbiage. Chair Isobe requested information on the introducer so the Board can request additional discussion with stakeholders. EO Skizewski noted that he will provide the request for additional information to the legislature related to this bill.

HB 1979, relating to prescription drugs, establishes the Canadian Prescription Drug Importation Program to be implemented and administered by the Department of Health. Requires the Department of Health to obtain federal approval, make reports, and adopt rules. EO Skizewski noted he spoke with stakeholders related to this legislation and there is a concern related to the lack of tracking information related to drugs produced in Canada. Chair Isobe noted her concern with the lack of ability to track medication origins considered under this legislation. Chair Isobe noted that running a program as drafted in this bill will be expensive. EO Skizewski noted that Florida and California have start similar initiatives that were costly. Vice-Chair Adams noted his concern related to counterfeit drugs. Chair Isobe stated that discussed concerns related to the bill will be submitted on behalf of the Board.

#### **Hawaii Pharmacist Association (HPhA)**

No report was provided.

#### Executive Session:

The Chair asked if there were any further questions from the Board. Seeing none, the Chair asked for a motion 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 11:05 a.m., upon a motion by Mr. Brown, seconded by Mr. Kikuchi, 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 consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities”.

#### ***Brandon Rabang departed the meeting at 11:05 a.m.***

Hearing no objections, it was moved by Mr. Kikuchi, and seconded by Ms. Tokumaru to move out of executive session at 11:32 a.m.

#### Applications:

Ratification List

Pharmacist



- i. Edwin, Marks

Miscellaneous Permit

- i. Alto Pharmacy LTC LLC
- ii. American Life Pharmacy LLC

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

Chapter 91, HRS –  
Adjudicatory Matters

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

- a. In the Matter of the Pharmacy License of **L. Krenk Inc., dba Maui Clinic Pharmacy**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1”,

At 11:37 a.m., upon a motion by Mr. Kikuchi, 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) (4), “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities”.

Hearing no objections, it was moved by Ms. Tokumaru, and seconded by Vice-Chair Adams to move out of executive session at 11:46 a.m.

Chair Isobe deferred decision on the Matter of the Pharmacy License of L. Krenk Inc., dba Maui Clinic Pharmacy, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order to the next meeting of the Board.

Regulated Industries  
Complaints Office:

**Pharmacy Advisory Committee**

At 11:48 a.m., upon a motion by Mr. Kikuchi, 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) (4), “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities”.

Hearing no objections, it was moved by Mr. Kikuchi, and seconded by Ms. Tokumaru to move out of executive session at 11:56 a.m.

Chair Isobe deferred decision on the Pharmacy Advisory Committee to the next meeting of the Board.

Election of Chair  
and Vice Chair –  
HRS §436B-6.

The Chair deferred the election of Vice-Chair to the next meeting of the Board.

Board of Pharmacy  
Minutes of the February 1, 2024  
Board Meeting  
Page 10

Next Meeting: There being no further agenda items, The Chair announced the next scheduled meeting will be held on March 7, 2024, at 9:00 a.m.

In-Person: King Kalakaua 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, Chair Isobe adjourned the meeting at 11:34 a.m.

Reviewed by:

/s/ Lorna Eugenio  
Lorna Eugenio  
Secretary

Taken by:

/s/ James Skizewski  
James Skizewski  
Executive Officer

LE:js

03/04/2024

- Minutes approved as is.  
 Minutes approved with changes. See minutes of \_\_\_\_\_.