

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

MINUTES OF MEETING

Date: Thursday July 14, 2011

Time: 9:00 a.m.

Place: Exam Conference Room
King Kalakaua Building
335 Merchant Street, Third Floor
Honolulu, Hawaii 96813

Members Present: Mark E. Brown, Pharmacist, Chair
Patrick Adams, Pharmacist, Vice Chair
Todd Inafuku, Pharmacist
Garrett Lau, Pharmacist
Carolyn Ma, Pharmacist

Staff Present: Lee Ann Teshima, Executive Officer ("EO")
Stephen Levins, Deputy Attorney General ("DAG")
Christine Hironaka, Secretary

Guests: Josh Bolin, National Association of Boards of Pharmacy ("NABP")
Greg Edwards, Department of Health ("DOH"), Food & Drug Branch
Gerry Fujii, Pharm Assist
Kelly Jensen, Ohio Northern College of Pharmacy
Jaclyn L. Moore, Foodland
Cynthia Nakamura, Informed Rx
Rachel Nishimura, Healthways

Agenda: 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").

Call to Order: There being a quorum present, the Chair called the meeting to order at 9:02 a.m.

Chair's Report: **Announcements/Introductions**

The Chair welcomed Ms. Ma to the Board and asked the audience to introduce themselves.

The Chair introduced Joshua Bolin, NABP Government Affairs Director to the Board and guests.

Mr. Bolin presented an overview of the NABP Government Affairs Department established in 2010 through a directive of the NABP Executive Office. The Department's goal is to build relationships by assessing and customizing the level of assistance it can offer according to the needs and challenges of each state. The level of assistance includes; education, examination and accreditation programs, licensure and assessment services. The NABP also offers legislative and regulatory support.

Mr. Bolin announced the NABP will be hosting an Interactive Forum for Executive Officers in September 2011 and a Compliance Officer Interactive Forum in December 2011.

It was the consensus of the Board to request the Department of Health to send Mr. Greg Edwards to the NABP Compliance Officer Interactive Forum in December 2011.

Additions and Additional Distribution

The Chair announced that the following was distributed to the Board members as additional distribution:

Additional Distribution

4. Correspondence
 - c. Clarification of "dispense", Cynthia Nakamura
 - 1) May 24, 2011 Email to Bill Pompliano
 - 2) November 18, 2010 Board of Pharmacy meeting minutes
 - 3) March 17, 2011 Board of Pharmacy meeting minutes
 - k. Mail Order Pharmacy, Alexandria Omikami – April 13, 2011
5. Old Business
 - a. Task Force – Immunization and Maintenance of Prescription Records – Status Report – Revised Report, July 11, 2011
7. Applications
 - a. Ratification list
 - b. Applications
 - 3) Pharmacy Permit
 - i. Target Corporation, dba Target Pharmacy

Approval of the Previous Minutes – June 16, 2011 Meeting

Upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on with the Chair, Vice Chair, Mr. Lau, Ms. Ma voting “yes” and Mr. Inafuku abstaining to approve the minutes of the June 16, 2011 meeting as circulated. The motion carried.

Executive Officer’s Report:

Conferences, Seminars, Meetings

2011 MPJE State-Specific Review

It was the consensus of the Board to send the Chair and Mr. Lau to the 2011 MPJE State-Specific Review, September 7-8, 2011, NABP Headquarters

Fourth Annual Pacific Preparedness Conference: Challenges for Practice, Policy and Public Health, September 16, 2011, Honolulu, Hawaii

It was the consensus of the Board to send Mr. Inafuku to this conference.

14th Continuing Pharmacy Education Conference: Building Bridges to Reposition CPE, September 22-25, 2011, Cambridge, Massachusetts

Information was distributed to the Board members for this conference.

NABP/AACP Annual Meeting, District 6, 7 & 8, October 4-6, 2011, Seattle, Washington

It was the consensus of the Board to send the Vice Chair to the District Meeting.

Correspondence:

National Association of Boards of Pharmacy (“NABP”) - NABP State News Roundup – June 2011

The Board reviewed the NABP State News Roundup for June 2011.

The Vice Chair stated that the Board should discuss Trenadol as a controlled substance as classified by the Tennessee and Wyoming Boards of Pharmacy.

“UH Hilo College of Pharmacy accomplishes accreditation goal, looks to future”

A press release regarding the accreditation of the UH Hilo College of Pharmacy by the Accreditation Council of State Boards of Pharmacy was distributed to the Board members for their information.

Clarification of “dispense”, Cynthia Nakamura

The Board reviewed Ms. Nakamura’s request for confirmation that the procedure

described in her email meets the definition of "dispense" based on the Board's November 18, 2010 and March 17, 2011 meeting discussions.

Ms. Nakamura stated she would like to confirm that the anticipated procedure described in her email is in compliance with the Board's November 18, 2010 and March 17, 2011 informal discussions on the definition of "dispense".

The Vice Chair asked for clarification on who is the actual representative -- the pharmacist, pharmacy, or company.

Mr. Inafuku stated that there are two different pharmacies involved that are not related and there may be additional legal requirements for the procedure described.

Mr. Inafuku stated he would require more information on the relationship between the two pharmacies.

The DAG advised the Board to discuss the legal issues in Executive Session.

Executive Session:

At 10:00 a.m. upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(1) and (4), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;".

At 10:50 a.m. upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to move out of executive session.

The Vice Chair asked Ms. Nakamura if the process included legend and scheduled drugs and Ms. Nakamura stated that the process was for non-controlled substances.

The Board informed Ms. Nakamura that in order to make a determination, additional information is required.

The Board requested "details" of the process from the time the drugs are processed and "dispensed" by the mail order pharmacy, shipped to another pharmacy or pharmacist in this State and provided to the patient or the individual entitled to receive the drugs.

The Board also asked for clarification and an explanation of the relationship between the mail order pharmacy, in-state pharmacy and patient, whether it is a contractual agreement and if any authorization exists between the patient and any of the pharmacies or pharmacists involved.

Upon receipt of the requested information/clarification, the Board will re-address this issue.

Clarification Regarding Collaborative Practice, Candace Tan

The Board reviewed Ms. Tan's inquiry asking if a collaborative practice agreement must be signed by all the practitioners involved in a collaborative practice, or is it sufficient to have the signature of the APRN in charge of the agreement.

After some discussion, upon a motion by Ms. Ma, seconded by the Vice Chair, it was voted on and unanimously carried based on the information provided, a collaborative agreement may exist between a pharmacist and an APRN for the pharmacist, who has received the appropriate training, to perform the following:

- (A) Ordering or performing routine drug therapy related patient assessment procedures;
- (B) Ordering drug therapy related laboratory tests;
- (E) Administering immunization orally, by injection, or by intranasal delivery, to persons eighteen years of age or older, by a pharmacist having appropriate training that includes programs approved by the 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;

However, this does not apply to a pharmacist performing dosage adjustment or drug therapy initiation and the collaborative agreement is between two individuals and not a "blanket" approval for other practitioners or pharmacists.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

Electronic transfer of prescriptions, Monica Won

The Board reviewed Ms. Won's inquiry as to the legality of the electronic transfer of prescriptions without actual verbal verification with another pharmacist at the time of transfer.

The Chair stated that Ms. Won has one inquiry regarding transferring prescription without a pharmacist and the other inquiry about dispensing from a vending machine without a pharmacist present.

Greg Edwards stated that the vending machine has to be located in a licensed pharmacy area.

After some discussion, it was the consensus of the Board that the transfer of a prescription, for refill purposes, must be between two pharmacists, not pharmacies, pursuant to HAR 16-95-84 and that pursuant to HAR 16-95-80(b), the physical presence of a pharmacist is required in order for drugs to be dispensed, therefore the use of an "after hours" vending machine to dispense drugs is not allowed.

Hospice pharmacy, Pat Adams

The Board reviewed the Vice Chair's inquiry as to whether the prescription controlled substance medication service provided by the Hospice is licensed and within the guidelines of the Hawaii Law.

Greg Edwards stated that no comment or decision is needed since the drugs have already been dispensed and is the property of the patient.

The Vice Chair also questioned the medication take back and destruction procedures of the hospice.

Greg Edwards stated the DOH should be contacted for drug destruction issues.

Ms. Ma questioned if the out-of-state pharmacy is legally doing business in Hawaii and if there is a prescription.

After some discussion, it was the consensus of the Board to refer the matter to the Department of Public Safety, Narcotics Enforcement Division.

Pharmacy Intern Immunization Administration, Brandon Allen

The Board reviewed Mr. Allen's inquiry if an APhA certified pharmacy intern can administer immunizations under the supervision of a certified pharmacist.

Mr. Inafuku stated the law says the program must be an ACPE certified program.

Ms. Ma stated that the response should state the task is allowed if the pharmacist intern administers immunizations under the supervision of an ACPE certified pharmacist that has a collaborative agreement with a physician.

The EO stated that the collaborating physician should be informed that the pharmacist has an intern administering immunizations under his supervision to avoid liability issues.

The Vice Chair stated that collaborative agreements between preceptor and physician should be broad enough to cover pharmacy interns.

After some discussion, it was the consensus of the Board that based on the definition of "Practice of pharmacy" under HRS 461-1, a pharmacist may administer immunizations to persons eighteen years of age or older, if the pharmacist has received the appropriate training and has a collaborative agreement with a licensed physician.

Although this section does specify a "pharmacist", the Board did previously determine that a pharmacy intern may perform tasks that include the "Practice of pharmacy", as delegated by the supervising pharmacists. Consequently, if the supervising pharmacist has received the appropriate training and has a collaborative agreement with a licensed physician to administer immunizations a pharmacy intern under the pharmacist's supervision may also administer immunizations provided that the pharmacy intern has also received the appropriate training and the collaborative agreement with the licensed physician also covers the pharmacy intern being supervised by the pharmacist.

Insulin and syringes, Kathy Worthington

The Board reviewed Ms. Worthington's inquiry into Hawaii's policy for dispensing Humulin N and Novolin N insulin and insulin syringes.

The Chair stated pre-loaded syringes and insurance reimbursements requests require a prescription.

After some discussion, it was the consensus of the Board to respond to the inquiry that Hawaii does not have a law requiring a prescription in order to purchase syringes, nor is there a prescription required for Humulin N and Novolin N insulin or insulin syringes.

Nuclear pharmacy regulations, Lillian Haddad

The Board reviewed Ms. Haddad's inquiry regarding nuclear pharmacy regulations for the state of Hawaii.

The Board recommended Ms. Haddad be referred to the DOH Radiation Branch for more information.

After some discussion, it was the consensus of the Board to inform Ms. Haddad that the pharmacy laws and rules do not include any specifications for a nuclear pharmacy, portable or mobile pharmacies are not allowed and that there is no ratio between pharmacist(s) and pharmacy technicians in this State.

Hawaii Central Filling/Processing, Andrea Bertoni

The Board reviewed Mr. Bertoni's request for information on Hawaii's laws pertaining to central filling and/or processing in a retail pharmacy.

After some discussion, the Board determined that the pharmacy laws and rules do not specifically address nor does it prohibit central fill pharmacies, however, Hawaii Revised Statutes, Chapter 329, the Uniform Controlled Substances Act does define "Central fill pharmacy", therefore, the Board refers Ms. Bertoni to the Department of Public Safety, Narcotics Enforcement Division since they are the state agency that has the authority over Chapter 329.

Mail Order Pharmacy, Alexandria Omikami

The Board reviewed Ms. Omikami's email request for information concerning administrative and legal requirements for an out-of-state mail order pharmacy. The EO responses to Ms. Omikami's questions are as follows:

1. How many pharmacists are licensed in the state of Hawaii?

2,083 as of April 13, 2011.

2. Do you have special regulations or laws governing the use of automated equipment to dispense medications? This is the context of a mail order pharmacy, in which all aspects of dispensing are overseen by pharmacist. Each medication is verified after filling and labeling.

Remote dispensing is addressed in the pharmacy laws, Hawaii Revised Statutes, Chapter 461.

3. With a prescription for a month plus two refills, is it permissible to consolidate the original prescription with refills to dispense a 90 day supply of medication?

I am unable to respond to this question, however, if you want the Board of Pharmacy to address this question at their August meeting, please let me know.

4. Do you specify a ratio of pharmacists to pharmacy technicians? If so, what is it?

No.

5. For a medication that is contained inside a box or carton and dispensed with it (such as nasal sprays or eye drops, for example) do you require an inner label on the item, or just the prescription label on the outside of the container?

You may contact the Department of Health, Food and Drug Branch regarding labeling requirements. You may call Greg Edwards, Inspector at (808) 586-4725.

Old Business:

Task Force – Immunization and Maintenance of Prescription Records – Status Report

A copy of the latest report to the legislature from the task force was distributed to the Board members for their information. The EO asked the Board members to review the section regarding the proposed language to amend HRS 461 to allow a pharmacist to administer immunizations to persons 14 years and older pursuant to a valid prescription and other record and reporting requirements.

Naturopathic Formulary

The Vice Chair reported that the first meeting with the members of the Board of Naturopathic Medicine was held on Monday, June 20, 2011. The topics discussed were adjusting medication, legends, and what Naturopaths saw themselves doing. The board members of the Board of Naturopathic Medicine stated that Naturopaths were not interested in initiating therapies but they want to be able to continue refills, adjust dosages and look for interactions.

Mr. Inafuku stated that he participated in the teleconference with the Vice Chair and board members of the Board of Naturopathic Medicine and the main focus of the discussion was the lack of a specific listing of drug classifications in the Naturopathic formulary.

Mr. Inafuku stated that the Naturopaths are not looking at a formulary to prescribe medication to initiate therapy but to continue therapy already prescribed and to taper the dosage to transfer the patient to naturopathic treatment methods.

Mr. Inafuku stated that other issues discussed included recommendations to strengthen the loosely defined prescriptive authority of the Naturopath and a summary of letters from the Boards of Pharmacy and Naturopathic Medicine to be distributed to pharmacists explaining the Naturopathy formulary concept.

Mr. Inafuku stated that dialog must continue because there are still concerns about trying to follow a formulary that is general in nature.

Laws and Rules Subcommittee

Mr. Inafuku stated that the Laws and Rules committee held its first meeting this morning.

Mr. Inafuku stated that the lead contacts for the Laws and Rules Subcommittee have been confirmed and their email addresses will be given to the HPhA for distribution to the general membership.

The Laws and Rules Subcommittee Lead Contacts & Discipline Responsibilities list is attached to the minutes.

Upon a motion by the Vice Chair, seconded by the Mr. Lau, it was voted on and unanimously carried to accept the report of the Laws and Rules Committee.

Open Forum: None

Applications: **Ratification List**

Upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on and unanimously carried to approve the attached ratification list with amendments.

Applications

Pharmacy Intern Permit

- **Matthew Sono**

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the pharmacy intern permit for Mr. Sono.

Pharmacist

- **Kari Jackson**

Upon a motion by Mr. Lau, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the pharmacist application for Ms. Jackson.

- **Ryan Trombley**

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the pharmacist application for Mr. Trombley.

Pharmacy Permit

- Target Corporation, dba Target Pharmacy

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the pharmacy permit for Target Corporation, dba Target Pharmacy.

Miscellaneous Permit

- Caremark New Jersey Specialty Pharmacy L.L.C., dba CVS Caremark

The Chair and Mr. Inafuku recused themselves.

Due to lack of quorum, this application was deferred.

- JMA Partners, Inc., Melrose Pharmacy Services

Upon a motion by Mr. Lau, seconded by the Vice Chair, it was voted on and unanimously carried to deny the application for miscellaneous permit as an out of state pharmacy for JMA Partners, dba Melrose Pharmacy Services. The Board determined that as the President of the pharmacy applicant, Mr. Munn has some "control" over the pharmacy operations and that the basis for the Texas Agreed Board Order that Mr. Munn entered into, was sufficient to deny the above mentioned application based on the following:

Hawaii Revised Statutes ("HRS) § 436B-19(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;

HRS § 461-21(a)

- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (5) Violation of any state or federal drug, controlled substance, or poison law; and
- (7) Any other conduct constituting fraudulent or dishonest dealings

- Medco Health Solutions of Irving, LLC

Upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to approve the application subject to receipt of verification of the applicant's Texas pharmacy permit/license that indicates the accurate name of the pharmacy.

Next Meeting: Thursday, August 18, 2011
9:00 a.m.
King Kalakaua Conference Room, First Floor
King Kalakaua Building
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 12:05 p.m.

Taken and recorded by:



Christine Hironaka
Secretary

Reviewed and approved by:



Lee Ann Teshima
Executive Officer
8/10/11

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 8/18/11.

LTYPE	LIC NUM	BP NAME PART 1
PH	3193	KENNETH R <WAID<
PH	3194	JULIE L <BOLDT<
PH	3195	GRACIE <BROOKS<
PH	3196	AMY D <RORER<
PH	3197	ELLEN A <LONEY<
PH	3198	JOHNMAR F <MABUTI<
PH	3199	JEFFREY J <EGBERT<

PHARMACY BOARD MEETING - 7/14/11

INTERNS:

- 2869: TRAN, ANNA T
- 2870: RIVERA, BRIAN C
- 2871: WASHINGTON, GABRIEL A
- 2872: MAYER, AMANADA MT
- 2873: BAILY, ALI LAUREN
- 2874: GUARINO, KRISTA J
- 2875: BODINAR, TESS M
- 2876: MACHIDA, MELISSA A
- 2877: YOUSEFF, SELAM K
- 2878: WELCH, JOSHUA J
- 2879: GO, BRANDON Y
- 2880: GIBU, MATTHEW Y
- 2881: SUMIDA, SCOTT Y
- 2882: HAMADA, ALLISON M
- 2883: PEREZ, RINEIL F M
- 2884: TAMAYO, RON A
- 2885: CHIK, EDEN Y H
- 2886: HONG, EDEN YH
- 2887: SAKAMOTO, KARI C
- 2888: MATSUMOTO, MICHELLE P Y
- 2889: ROTH, SARAH R
- 2890: CHU, SEAN N
- 2891: LOOPER, COURTNEY L
- 2892: LE, LONG-ANDY T
- 2893: LEE, DANA N
- 2894: LEE, SHARON E
- 2895: LIN, YAN FENG
- 2896: LUM, SHARON E
- 2897: MAI, CINDY T
- 2898: MASRI, JANINE
- 2899: MATSUKAWA, JANELLE N

2900: MCALLISTER, HARVEY A
2901: MEHAU-SANCHEZ, MARINA K
2902: MIZO, TIFFANY C
2903: MOK, DARREN K C
2904: NAKAMA, TRACY M
2905: NAVARETTE, KENNETH B
2906: NEWTON, KRISTI ANN R
2907: NGUYEN, KIM L
2908: NISHIMOTO, STEVEN M
2910: OBWISI, SHADI O
2911: OGLE, STEPHANIE
2912: OKI, NAOTO
2913: OPOKU-ANSAH, JOHN
2914: OTA, JENNIFER E
2915: OYADOMARI, KERI E
2916: PFUNSTEIN, SEAN M
2917: PHAM, SIDNEY L
2918: PHAN, THAO THI
2919: POURAGHAJANI, REZA
2920: REINHART, ANDREW J
2921: ROSTAMI, BENHAM
2922: SANA, JED E
2923: SEWAKE, ROXANNE S
2924: SOUZA, CAROLINE S
2925: STEVENS, JIMMY
2926: TABANDERA, NICOLE K
2927: TAKAHASHI, STACIE T
2928: TANAKA, HEATHER K
2929: TING, KOON H
2930: TINTOANGCO, KRISTI L
2931: TRAN, HANA
2932: TRUONG, HENRY H
2933: TSUE, CHRISTOPHER N
2934: TYAKEEYANG, ANN
2935: WENDEL, AMANDA L

2936: WISE, JOSHUA K
2937: WON, CHELSEA K
2938: WONG, DAYNA MICHELLE A
2939: WONG JASON
2940: YI, JAMES
2941: YORONG, KESHIA K
2942: ZERIHUN, ATTAKELT M
2943: ACAB, KEITH A
2944: ADEBURABM EMMANUEL A
2945: AOKI, MIHO J
2946: ASHFAQ, MUHAMMAD
2947: BAGGOT, CHRISTOPER J
2948: BARLETT, MAURIN G
2949: BASS, KATHERINE E
2950: BERGEN, LARA S
2951: CHEN, LI
2952: CHRISTLEY, JEFFREY R
2953: DAPROZA, JOANNE M
2954: DORAN, ELIZABETH A
2955: EVANGELISTA, JIZZAN-ANNE D
2956: FONG, MILLIE
2957: FUJITA, JOHN J
2958: GOLDSBERRY, JACK C
2959: GREGORY, CHRISTOPHER B
2960: GUSTILLO, BRIANNE A
2961: HEWITT, KATRINA A
2962: HO, JEFFREY
2963: HUANG, HAI LIANG
2964: IRIGOUCI, BRENT M
2965: JARDIN, RACHEL O
2966: KANDA, JAYMIE S
2967: KATAGIRI, MARIKO
2968: KIM, DANIEL J
2969: KIM, MICHELLE S
2970: KOBASHIKAWA, DENISE D

2972: KUMASAKA, AUDREY-MARIE Y B
2973: KUMASHIRO, KYLE R
2974: LALLIER, BRONSTON S
2975: LAMOSAO, ROM4ELYNNE F
2976: MANAGO, SHANE K
2977: NGUYEN, MAI-HONG THY
2978: AMPONIN, DEVON R
2979: KAMIMURA, SCOTT T
2980: XU, GARY
2981: MOBLEY, ASHLEY M
2982: DAO, JEFFREY D A
2983: WHITE, JENNIFER L
2984: RUIZ, TIFFANY T
2985: TAMURA, SHANNON K
2986: EDMISTON, GREGORY A
2987: REEVES, COLT L
2988: ALVEY, SARAH
2989: LEE, JU WON
2990: TANAKA, DAVIS H

TEMPORARY PHARMACIST PERMIT:

NAME CHANGES/TRADENAME/CONVERSIONS:

PALI MOMI MEDICAL CENTER

PHY-457

fka KAPIOLANI MEDICAL CENTER AT PALI MOMI eff

5/25/11

RELOCATION:

NEW PHARMACIST-IN-CHARGE:

Pharmacy Services Inc PMP-667

New PIC: John D Hamilton eff 7/1/11