

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

MINUTES OF MEETING

Date: Thursday November 17, 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
Lydia Kumasaka, Public Member
Garrett Lau, Pharmacist
Carolyn Ma, Pharmacist

Members Excused: Jill Oliveira Gray, Public Member

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

Guests: Ron Taniguchi, UH College of Pharmacy
Albert Lau, Kaiser Permanente
Stacy R., Kaiser Permanente
Gerry Fujii, PharmAssist
Roy Yamauchi, PharmAssist
Barbara Kashiwabara, Kaiser Permanente
Lyell Hirashiki, Kaiser Permanente
Tiffany Wakayama, CVS Longs
Nancy Huang, Walgreens
Greg Edwards, Department of Health ("DOH")

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 9:06 a.m.

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

The Chair excused Jill Oliveira Gray from attending this meeting.

The Chair asked the audience to introduce themselves.

Additions and Additional Distribution

Upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on to unanimously add the following to today's agenda:

Additions

3. Executive Officer's Report
 - c. Conferences/Seminars/Meetings
 - 1) Federation of Associations of Regulatory Boards (FARB) Annual Forum

5. Correspondence
 - c. Pharmacy Technician Inquiry from Lynn Donovan, DOH
 - d. Request for CME Approvals from Diane M. Ondracek
 - 1) Patient Safety University – Hawaii
 - 2) 2012 Joint Commission Update – Customer Education Program for The Healthcare Association of Hawaii

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

Additional Distribution

7. Applications
 - b. Applications
 - 2) Miscellaneous Permit
 - v. Steven's Pharmacy

Approval of the Previous Minutes – October 20, 2011 Meeting

The Chair asked if there were any amendments to the minutes of the October 20, 2011 meeting.

Mr. Inafuku stated that on page 5, paragraph 7, it should read, "Mr. Inafuku stated that there is not enough information because Kaiser may also use remote dispensing."

The EO stated that on page 9, under "Executive Session" the time should read "10:40".

There being no further amendments to the minutes, upon a motion by Ms. Kumasaka, seconded by the Vice Chair, it was voted on and unanimously carried to approve the minutes of the October 20, 2011 meeting as amended.

Executive Officer's
Report

The EO announced that there was an error in the expiration date on the issued pocket cards for some pharmacists who renewed their licenses. The expiration date was incorrectly indicated as December 31, 2014. A notice was going to be mailed and new pocket cards distributed to those who received the misprinted pocket cards.

The EO also stated that the correct information may be verified online.

2012 Legislative Report

Report to the 26th Legislature – Findings of the Task Force Regarding the Issue of Pharmacists Vaccinating Minors and the Inclusion of Pharmacies in Health Information Exchange

The Board members were distributed the report previously distributed at the July 14, 2011 Board meeting.

There was discussion on the additional training involved for pharmacists who administer the influenza vaccine to persons fourteen through seventeen and how the additional training will be monitored, how the Hawaii College of Pharmacy would adjust their training to include the vaccination for this age range and other concerns regarding the "retraining".

Hawaii Pharmacist Manpower Project Update – Dr. Ron Taniguchi

Dr. Taniguchi explained that the purpose of the project was to determine if there were enough pharmacy/pharmacists meeting the demands, especially in rural or remote areas.

Mr. Yamauchi distributed and briefly explained the "Pharmacist Manpower Study 2010 State of Hawaii – Board of Pharmacy Update". According to the survey results, besides the number of pharmacists by institutions or work place and gender, he reported that approximately 32-33 new pharmacists will be needed in the first 5 years and in the future, approximately 50 new pharmacists per year, based on the age of the surveyed pharmacists. He also stated that the need for pharmacists in Hawaii is dictated by the prescription benefit plan, so if the workload decreases, so will the need for pharmacists decrease, e.g. EUTF contracting with an out-of-state pharmacy.

Conferences/Seminars/Meetings

Federation of Associations of Regulatory Boards (FARB) Annual Forum

Information on FARB's 36th Annual Forum, January 27-29, 2012, Sarasota, Florida, was distributed to the members.

Laws and Rules
Committee Report:

Mr. Inafuku reported on the following items discussed at the committee meeting held this morning before the Board meeting:

- The Committee recommends adding a nuclear pharmacist and a medical oxygen distributor to the advisory committee;
- The Committee recommends that the 3/17/2010 draft of the revisions to HAR Chapter 95, be referred to the Board for final consideration;
- The EO will check the NABP Model Act for language on out-of-state pharmacies and the transferring of prescriptions to such pharmacies and requirements for foreign educated pharmacists.

Correspondence:

National Association of Boards of Pharmacy ("NABP")

NABP State News Roundup – October 2011

The Board reviewed the articles in the NABP State News Roundup for October.

The Chair stated that Minnesota added several pharmacy license categories to their existing list which includes: community/outpatient, hospital, home health care, long-term care, nuclear, central service, nonsterile preparation compounding, sterile preparation compounding, veterinary, and limited service.

The Vice Chair stated that North Carolina passed legislation to prevent abusive pharmacy audit practices by pharmacy benefit managers and other third-party payers.

USA Today Article "Pill Mills"

The Chair stated that Hawaii does not allow out-of-state prescriptions for controlled substances.

Mr. Lau stated that the Kauai newspaper had a series of articles on prescription drugs including a recent article about a former Florida "pill mill" owner who now lives in Kauai and has opened Kauai's only opioid-prescribing and marijuana card-issuing pain management clinic.

Pharmacy Technician Inquiry from Lynn Donovan

The Board reviewed and discussed an inquiry from Ms. Donovan, pharmacist at the LanikilaTB clinic asking if their pharmacy can send a small stock supply, not patient specific, to Public Health Nursing offices on the neighbor island so that they may

start the treatment before the patient is issued a prescription. Ms. Donovan also asked what tasks a pharmacy technician may perform if the pharmacist isn't present in the pharmacy.

After some discussion, upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to inform Ms. Donovan that a pharmacy technician may not be in the pharmacy area if the pharmacist is not present and in regards to the provision of stock supply to the neighbor island public health nursing office, the inquiry will be referred to Mr. Edwards, Inspector with the Department of Health, Food and Drug Branch.

Request for CME Approvals from Diane M. Ondracek

The Board reviewed the course information submitted by Ms. Ondracek for approval by the Board as continuing medical education. The first course is entitled "Patient Safety University – Hawaii" by Kaiser Permanente and the second course is entitled "2012 Joint Commission Update Custom Education Program for The Healthcare Association of Hawaii".

The Board reviewed the contents and objectives for the courses and upon a motion by the Vice Chair, seconded by the Chair, it was voted on and unanimously carried to approve the courses as continuing medical education based on the information submitted. There is insufficient evidence to substantiate that the courses meet the definition of "Continuing education" as defined in HRS 461-1.

Open Forum: Mr. Inafuku gave a brief statement about the Emergency Preparedness Conference.

Applications: **Ratification List**

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

Executive Session: At 10:35 a.m. upon a motion by Mr. Inafuku, seconded by Ms. Kumasaka, 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 11:02 a.m. upon a motion by Mr. Lau, seconded by Mr. Inafuku, it was voted on and unanimously carried to move out of executive session.

Chapter 91, HRS
Adjudicatory Matters: At 11:02 a.m., the Chair called for a recess from the Board's meeting to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Miscellaneous Permit of CaremarkPCS Pennsylvania Mail Pharmacy LLC, dba CVS Caremark: PHA-2011-19-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

The Chair and Mr. Inafuku recused themselves.

Upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to approve PHA 2011-19-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit 1.

In the Matter of the Pharmacist's License of Huong Nguyen Tran; PHA 2010-28-L: Hearing's Officer Findings of Fact, Conclusions of Law and Recommended Order and Board's Final Order

Upon a motion by the Vice Chair, seconded by the Chair, it was voted on and unanimously carried to approve PHA 2010-28-L; Hearing's Officer Findings of Fact, Conclusions of Law and Recommended Order and Board's Final Order.

Following the Board's review, deliberation and decision on these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 11:08 a.m. pursuant to Chapter 92, HRS.

Applications:

Applications

Pharmacist

Donald R. Schumacher

Upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on and unanimously carried to defer decision making on the pharmacist application for Mr. Schumacher for additional information pertaining to his explanation submitted with his application.

Miscellaneous Permit

Diabetic Care Rx, LLC

Upon a motion by Ms. Ma, seconded by Mr. Lau, it was voted on and unanimously carried to grant a conditional miscellaneous license/permit for Diabetic Care Rx, LLC. The conditional license/permit allows the pharmacists listed with the application for Diabetic Care Rx, LLC to fill prescriptions for consumers residing in this State, however, the approval does not include pharmacist Mr. Michael Fowler. Pursuant to Hawaii Revised Statutes, §436B-19(7) and (13), based on Mr. Fowler's

prior disciplinary action by the State of Florida, Board of Pharmacy, Mr. Fowler may not fill, compound, review or process any prescriptions coming into this State.

Medco Center for Pharmacotherapeutic Research

Upon a motion by Mr. Inafuku, seconded by Mr. Lau, it was voted on and unanimously carried to defer decision making on the miscellaneous permit application for Medco Center for Pharmacotherapeutic Research for clarification and verification of the name of the applicant.

Park Compounding

Upon a motion by Mr. Inafuku, seconded by the Vice Chair, it was voted on and unanimously carried to deny the miscellaneous permit application as an out-of-state pharmacy for Park Compounding based on their encumbered California pharmacy license/permit pursuant to the following statutes:

HRS §461-15 Miscellaneous permits. "(a) It shall be unlawful:

(7) For any out-of-state pharmacy or entity engaging in the practice of pharmacy, in any manner to distribute, ship, mail, or deliver prescription drugs or devices into the State without first obtaining a permit from the board; provided that the applicant shall:

(C) Submit verification of a valid unexpired license, permit, or registration in good standing to conduct the pharmacy in compliance with the laws of the home state and agree to maintain in good standing the license, permit, or registration;"

HRS 461-1 Definitions.

"Encumbered license" means a license issued by any state or territory of the United States for the practice of pharmacy which is revoked, suspended, or made probationary or conditional by the licensing or registering authority in the respective jurisdiction as a result of disciplinary action.

The Wellness Center Pharmacy, Inc.

Upon a motion by Mr. Inafuku, seconded by Ms. Kumasaka, it was voted on and unanimously carried to approve the miscellaneous permit as an out-of-state pharmacy for The Wellness Center Pharmacy, Inc., subject to confirmation by the EO that pharmacist Lauren Brewer's Tennessee pharmacist license is current and valid.

Steven's Pharmacy

Upon a motion by Mr. Inafuku, seconded by the Vice Chair, it was voted on and unanimously carried to deny the miscellaneous permit application as an out-of-state pharmacy for Steven's Pharmacy based on their encumbered California pharmacy license/permit pursuant to the following statutes:

HRS §461-15 Miscellaneous permits. "(a) It shall be unlawful:

(7) For any out-of-state pharmacy or entity engaging in the practice of pharmacy, in any manner to distribute, ship, mail, or deliver prescription drugs or devices into the State without first obtaining a permit from the board; provided that the applicant shall:

(C) Submit verification of a valid unexpired license, permit, or registration in good standing to conduct the pharmacy in compliance with the laws of the home state and agree to maintain in good standing the license, permit, or registration;"

HRS 461-1 Definitions.

"Encumbered license" means a license issued by any state or territory of the United States for the practice of pharmacy which is revoked, suspended, or made probationary or conditional by the licensing or registering authority in the respective jurisdiction as a result of disciplinary action.

Pamlab, LLC

The EO requested that this application be withdrawn from the agenda.

Next Meeting: Thursday, December 15, 2011
9:00 a.m.
King Kalakaua Conference room
King Kalakaua Building, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:15 a.m.

Taken and recorded by:



Lee Ann Teshima, Executive Officer

12/1/11

Minutes approved as is.

Minutes approved with changes; see minutes of 12/15/11

BOARD OF PHARMACY

November 17, 2011 Ratification List

Miscellaneous Permits (PMP)

Closure: Ammed Direct LLC (PMP 442)
dba Ammed Home Care Pharmacy
5720 Crossings Blvd., Ste. B
Antioch, Tennessee 37013

Relocation: Healthwarehouse.com Inc. (PMP 598)
7107 Industrial Road
Florence, Kentucky 41042

Advanced Care Scripts, Inc. (PMP 543)
6251 Chancellor Drive, Suite 101
Orlando, Florida 32809
New PIC: Jeffery E. Scott

Change of Pharmacist-in-charge: New PIC Brian Marquis
Lynnfield Drug, Inc., dba Freedom Fertility
Pharmacy (PMP 459)

Pharmacy (PHY)

Change of Pharmacist-in-charge: New PIC Reid Inouye, replacing Gerald Kanno
Longs Drug Stores California LLC (PHY 740)

BOARD OF PHARMACY

November 17, 2011

RATIFICATION LIST

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<u>LTYPE</u>	<u>LIC NUM</u>	<u>BP NAME PART 1</u>
PH	3288	KIMBERLEIGH M <INGRAM<
PH	3289	ANOLANI H <KAILIO<
PH	3290	SEUNG T <KIM<
PH	3291	LORENA <BAGAIN<
PH	3292	ELISSA-MARIE E K <KAHAHANE<
PH	3293	ZACHERY L <ROYER<
PH	3294	JANET M <MORGAN<
PH	3295	LAWRENCE E <WOODHOUSE<
PH	3296	CHRISTINE N Q <THAM<
PH	3297	ENOCH JOHN G <RONDUEN<

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<u>LTYPE</u>	<u>TEMP LIC</u>	<u>NUM</u>	<u>VAM_BPR_LEGAL_NAME 1</u>
PHI		3018	KIHOON <CHO<
PHI		3019	ADAM P <MCDUGLE<
PHI		3025	JOSHUA N <BANGERT<
PHI		3026	DAVID A <LAWHUN<
PHI		3027	NATASHA J <HEIMBIGNER<
PHI		3028	MATTHEW T <FURUKAWA<
PHI		3030	PRESTON G <PIETRZAK<
PHI		3031	RYAN P <WILKIN<
PHI		3032	SHARON C <VALDEZ<

BOARD OF PHARMACY - November 17, 2011 - RATIFICATION LIST

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<u>LTYPE</u>	<u>LIC</u> <u>NUM</u>	<u>LIC NAME PART 1</u>	<u>BUSN ADDR 1</u>	<u>BUSN CITY</u>	<u>BUSN</u> <u>ST</u>	<u>BUSN</u> <u>ZIP</u>	<u>BP NAME PART 1</u>
PHY	805	5 MINUTE PHARMACY LONG TERM CARE	94-216 FARRINGTON HWY #B1-102B	WAIPAHU	HI	96797	5 MINUTE PHARMACY LTC LLC
PHY	806	LIFEWAY PHARMACY (KOLOA)	5330 KOLOA RD STE 2	KOLOA	HI	96756	IAOMAI 4, LLC
PHY	807		1824 DILLINGHAM BLVD #B	HONOLULU	HI	96819	5 MINUTE PHARMACY LLC

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<u>LTYPE</u>	<u>LIC</u> <u>NUM</u>	<u>LIC NAME PART 1</u>	<u>BUSN ADDR 1</u>	<u>BUSN CITY</u>	<u>BUSN</u> <u>ST</u>	<u>BUSN</u> <u>ZIP</u>	<u>BP NAME PART 1</u>
PMP	721		3375 KOAPAKA ST #F245	HONOLULU	HI	96819	MINA CORPORATION
PMP	722		2307 S MOUNT PROSPECT RD	DES PLAINES	IN	60018	EASY SCRIPTS INC OPTION CARE ENTERPRISES INC
PMP	723						
PMP	724		7216 SW DURHAM RD #200	PORTLAND	OR	97224	WELLPARTNER INC
PMP	725	WALGREENS INFUSION SERVICES	3920 W CHARLESTON BLVD #X	LAS VEGAS	NV	89102	OPTION CARE ENTERPRISES INC
PMP	726	HELLERTOWN PHARMACY	11 MAIN ST HELLERTOWN	HELLERTOWN	PA	18055	REPETE INC
PMP	727	MEDICINE SHOPPE XUBEX PHARMACY	3796 HOWELL BRANCH RD	WINTER PARK	FL	32792	MCS ENTERPRISES INC
PMP	728	ELECTRIC BOAT FAMILY PHARMACY	60 CLOVER AVE	GROTON	CT	06340	WALGREEN EASTERN CO INC
PMP	729	TAG PHARMACY	780 PRIMOS AVE UNIT E	FOLCROFT	PA	19032	TOPICAL APOTHECARY GROUP LLC

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<u>LTYPE</u>	<u>LIC</u> <u>NUM</u>	<u>LIC NAME PART 1</u>	<u>BUSN ADDR 1</u>	<u>BUSN CITY</u>	<u>BUSN</u> <u>ST</u>	<u>BUSN</u> <u>ZIP</u>	<u>BP NAME PART 1</u>
PWD	149	PACIFIC RIM DISTRIBUTORS	1993 S KIHEI RD #18	KIHEI	HI	96753	PROJECT 9 INC