

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

**MINUTES OF MEETING**

Date: Thursday, February 16, 2012

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  
Jill Oliveira Gray, Public Member

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

Guests: Stacy Pi, Kaiser Permanente  
Erika Miyahira  
Tehane Ornellas Han, UH Hilo College of Pharmacy ("UHH COP")/Maui Clinic  
Albert Lau, Kaiser Permanente  
Ana Park, Ohana Health/UHH COP  
Lyell Hirashiki, Kaiser Permanente  
Dexter Mar, Ohana Health Plan  
Nancy Huang, Walgreens  
Amy Este, Walmart

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 asked the audience to introduce themselves.  
  
**Additions and Additional Distribution**  
  
None.

### **Approval of the Previous Minutes – January 19, 2012 Meeting**

The Chair asked if there were any amendments to the minutes of the January 19, 2012 meeting.

Ms. Oliveira Gray stated that on page 7, under "Next Meeting" it should be "February" and not "March".

The Chair stated that on page 3, under the NABP Multistate Pharmacy Jurisprudence Examination Item Writing Workshop, delete the words "writing and" since the previous workshop was a review sessions, not item writing session.

There being no further comments or recommendations, upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the minutes of the January 19, 2012 meeting as amended.

### Executive Officer's Report

#### **2012 Legislature**

##### HB 1965 – Relating to Continuing Education

The EO reported that this bill was heard by the House Health Committee and that there was no testimony in opposition. This measure was passed the bill out of Committee unamended and referred to the House Consumer Protection and Commerce Committee. She asked if the Board had any comments or concerns. There was none.

##### HB 1703 – Relating to Underserved Areas

The EO reported that this bill was referred to the House Health and Consumer Protection and Commerce Committees but has not yet been scheduled for hearing.

The Vice Chair stated that he spoke with Representative Cindy Evans who introduced the bill. He related that she is concerned with the lack of pharmacy service to the Waikoloa area. Supposedly there are about 7,000 residences but the nearest pharmacy is approximately 20 miles away and there is only one shopping center.

The Chair was concerned in the event of a disaster.

After further discussion, upon a motion by the Vice Chair, seconded by Ms. Kumasaka, it was voted on and unanimously carried to have the EO contact Representative Evans to try to get more information and to refer this matter to the Laws and Rules Committee for consideration.

##### HB 1966/SB 2229 Relating to Vaccines

The EO reported that HB 1966 was heard by the House Health Committee and besides the Board's testimony of no position since the Board had not had an opportunity to review and discuss the bill in an open meeting, all other testimony was in support except for one individual. The Committee passed the bill out of Committee with a defective date of July 1, 2050 to encourage further discussion and referred the bill to the House Consumer Protection and Commerce Committee.

SB 2229 was heard by the Senate Health Committee and besides the Board's testimony of no position since the Board had not had an opportunity to review and discuss the bill in an open meeting, all other testimony was in support except for one individual. The Committee passed the bill out of Committee amending the training for pharmacist's recertification period from every two years to every four years and referred the bill to the Senate Commerce and Consumer Protection Committee.

The Chair stated that he had concerns with the language in the bills that required the training for pharmacists to administer immunizations to minors be approved by the Board, the Hawaii Pharmacists Association and the Pediatricians Association. He stated that in the current practice act, the Accreditation Council for Pharmacy Education ("ACPE") is recognized as the appropriate organization to provide the required training for pharmacists to perform certain tasks and for continuing education.

The Vice Chair stated that the language in the bills should be in the administrative rules, that the structure of the bills restricts access and there appears to be education problems.

Executive Session:

After some discussion, at 9:30 a.m., upon a motion by the Chair, seconded by Dr. 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 10:08 a.m. upon a motion by Mr. Lau, seconded by Ms. Kumasaka, it was voted on and unanimously carried to move out of executive session.

Dr. Ma recommended that the bill be amended to reflect ACPE approved training for pharmacist to administer immunizations to minors.

Ms. Oliveira Gray asked about the Vice Chair's recommendation regarding the language in the bill and the administrative rules.

Mr. Inafuku cautioned that any amendments to strike out or delete requirements recommended by the task force may jeopardize the bill.

The EO explained that by taking out the "specifics" in the bill and moving them into the administrative rules will delay implementation because the proposed rules would have to go through the rules adoption process in order to be effective and that could take months or sometimes years.

Mr. Inafuku expressed his concerns with the new language in section 461-8(e), requiring the completion of a course (training) by pharmacist who administer the influenza vaccine to minors, to be completed every two years. He stated that although he understands the concern for patient safety, this requirement appears to be onerous.

Mr. Lau also had concerns with the recertification requirements.

After further discussion, upon a motion by Dr. Ma, seconded by Ms. Oliveira Gray, it was voted on with the Chair, Dr. Ma, Ms. Oliveira Gray, Mr. Lau, Ms. Kumasaka and Mr. Inafuku voting yes and the Vice Chair abstaining, to make the following recommendations to HB 1966 and SB 2229:

- Delete approval of the training course for pharmacist to administer the influenza vaccine to individuals between the age of fourteen and seventeen by the Board, Hawaii Pharmacist Association and the American Academy of Pediatrics, Hawaii Chapter to a course approved by the ACPE;
- Amend the recertification/retraining requirements from two to four years; and
- Amend the proposed new language in section 461-21(a) to include failure to comply with section 461- \_\_\_\_ instead of sections (c) and (d) only.

#### **Conferences/Meetings/Seminars**

National Association of Boards of Pharmacy (NABP) 108<sup>th</sup> Annual Meeting, May 19-22, 2012, Philadelphia, PA (Board to select delegate)

The EO stated that the NABP will have holding their annual meeting in May in Philadelphia, Pennsylvania and that the Vice Chair has volunteered to attend.

There being no further discussion, upon a motion by Mr. Lau, seconded by the Chair, it was voted on and unanimously carried to send the Vice Chair to the NABP annual meeting as Board's delegate.

The EO asked Ms. Hironaka to remind the members about the parking situation.

Ms. Hironaka reminded the Board members that their parking permits allow them to park in the three designated parking areas, in metered stalls only which are unmarked and unreserved, a half hour before and after a scheduled Board meeting. Parking Control has the Board meeting schedules and the list of permit numbers assigned to each Board.

#### Laws and Rules Committee Report:

#### **Report on February 16, 2012 Meeting**

Mr. Inafuku reported that the Laws and Rules Committee met this morning to review and discuss the proposed amendment to the definition of the "Practice of pharmacy". The Committee members agreed to some amendments. These amendments would be noted in the draft and then emailed to this Committee and the Advisory Committee leads/members for their feed back.

Mr. Inafuku also reported that at the next Laws and Rules Committee, they will be discussing any recommendations made by the Advisory Committee members on the definition of "Practice of pharmacy" and discussion and consideration of any licensing and practice issues facing the Board for possible legislation, if necessary, for next year.

## **HAR Title 16, Chapter 95 – Status Report**

The EO reported that the approved draft was sent to Administrative Office Services and once it is returned, she will start the justification.

### Correspondence:

#### **National Association of Boards of Pharmacy (“NABP”)**

##### NABP State News Roundup – January 2012

The Chair noted the following articles:

- Louisiana Board of Pharmacy – Is in the process of promulgating rules to implement the authority for pharmacies to re-use prescription medication in state-owned penal institutions. The new rules will create a new classification of pharmacy permit for penal pharmacies. Other amendments address electronic communications, labeling requirements for hospital pharmacies and clarifying remote processing of prescriptions and medical orders.
- Montana Board of Pharmacy – “Montana Patient Safety Act” establishes a prescription monitoring program to help fight prescription drug misuse and abuse.
- Oklahoma Board of Pharmacy – Oklahoma’s prescription monitoring program requires that controlled substance prescriptions must be submitted within five minutes of selling (not filling) to the customer and that the pharmacy must submit the ID information of both the recipient and the recipient’s agent.
- Washington Board of Pharmacy – Electronic tracking system that monitors the purchase of over-the-counter medicines containing pseudoephedrine, a key ingredient in methamphetamine, their prescription monitoring system and requirement for pharmacy technicians to obtain at least ten hours of continuing education every year.

#### **Federal Physician Payment Sunshine Act**

Purdue Pharma L.P. submitted information on the Centers for Medicare and Medicaid Services’ regulations pertaining to the Federal Physician Payment Sunshine Act. The information was distributed to the Board members for their information.

#### **Arlene Colligon – Questions Regarding Animal Healthcare Products – Report from Greg Edwards, DOH**

This issue was discussed at the last Board meeting at which time the Board decided to refer the matter to Mr. Edwards to respond to Ms. Colligon’s inquiry relating to the substitution of drugs and asked that Mr. Edwards report back to the Board.

In Ms. Colligon’s original request, she’s working with a company consulting for animal health products and had the following questions:

1. Given that the FDA does not list veterinary drugs in the Orange Book, is a [State] pharmacist permitted to exercise their discretion to substitute the Product for the Reference Product in the absence of any limitation on substitution from the prescribing veterinarian.

2. There are also other ANADA approved drugs on the market for the Reference Product. Given that the FDA does not list veterinary drugs in the Orange Book is a [State] pharmacist permitted to exercise their discretion to substitute the Product for another animal drug approved under an ANADA to the Reference Product in the absence of any limitation on substitution from the prescribing veterinarian.

Although Mr. Edwards was unable to attend, he provided the following information:

"HRS 328-6(15) states that the following within the State by any person is **prohibited**:  
"Except as provide in part VI and section 461-1, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without express permission in each case of the person ordering or prescribing."

Part VI, referenced above, is our Drug Product Selection, section of the statute and allows for substitution to occur by the pharmacist. However it is limited to products found in the "Orange Book" and other documentation from FDA. The orange book is for human drugs only. There is no reference to use of the "Green Book" (vet drugs).

Thus substituting is allowable by pharmacists here in Hawaii in accordance with HRS 328 part VI, but only for human drugs. Any other substitution by the pharmacist without express permission by the prescribing practitioner is clearly not allowed under HRS 328-6(15)."

Open Forum:

Mr. Inafuku stated that he would like the Board to start looking at programs for impaired pharmacists and asked the EO if she could check with other boards to see if they have such programs.

The EO stated that the Board of Nursing has a statute for diversion programs for chemically dependent nurses and that she will check with other EOs and provide the information at the next meeting.

Applications:

**Ratification List**

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

**Applications**

Pharmacist(s)

Upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to approve the following application for pharmacist licensure upon successful passing of the Hawaii MPJE for **Steven Ohliger**.

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the following application for pharmacist licensure upon successful passing of the Hawaii MPJE for **Lawrence Morrison, II**.

Miscellaneous Permit

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the following applications for miscellaneous permit as an out-of-state pharmacy:

**Meds at Home (Columbus, Ohio)**  
**Meds at Home (Las Vegas, Nevada)**  
**Wal-Mart Stores, Inc.**

Upon a motion by the Vice Chair, seconded by Dr. Ma, it was voted on and unanimously carried to inform the following applicants that pursuant to section 461-15, HRS, a miscellaneous permit is required in order to ship prescription devices directly to patients residing in this State:

**Carolina Medical Sales, Inc.**  
**Relief Health Supply LLC**  
**Quality Medical Products LLC**  
**Founders Healthcare LLC**

Wholesale Prescription Drug Distributor

The following application was deferred for more information:

**Walgreens Sleep and Respiratory Services LLC**

Chapter 91, Hawaii  
Revised Statutes,  
Adjudicatory Matters:

At 10:51 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 Pharmacist License of Reena G. Chelsa, PHA 2011-10-L;  
Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's  
Final Order; Exhibit "1"**

The Chair recused himself and left the room.

The Board wanted to convey to RICO that the monitoring requirement in the Settlement Agreement appeared to be ambiguous.

Upon a motion by Mr. Lau, seconded by Ms. Oliveira Gray, it was voted on with the Vice Chair, Ms. Oliveira Gray, Mr. Lau, Dr. Ma, Ms. Kumasaka and Mr. Inafuku voting yes to approve the Board's Final Order for Reena G. Chesla, PHA 2011-10-L.

**In the Matter of the Pharmacist License of Huong Nguyen Tran, PHA 2010-28-L,  
Board's Final Order, Letter from Huong Tran voluntarily surrendering license,  
Declaration of Tammy Y. Kaneshiro; Exhibit "1"**

The Chair returned.

The Board reviewed the above mentioned documents and upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to deny Ms. Tran's request to voluntarily surrender her license and to have the DAG draft a Proposed Board's Final order suspending Ms. Tran's Hawaii pharmacist license for failing to comply with the Board's Final Order for PHA 2010-28-L dated November 17, 2011.

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 11:06 a.m.

Next Meeting: Thursday, March 15, 2012  
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 11:06 a.m.

Taken and recorded by:

/s/ Lee Ann Teshima  
Lee Ann Teshima  
Executive Officer

2/29/12

[ ] Minutes approved as is.  
[X] Minutes approved with changes; see minutes of 3/15/12.



**BOARD OF PHARMACY**

**February 16, 2012 Ratification List**

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**Miscellaneous Permits (PMP)**

Relocation:

**Hometech Therapies, Inc. (PMP 695)**

**relocated to:**

**3200 concord Road, Suite 101**

**Aston, PA 19014**

Change of Pharmacist-in-charge:

**PharMEDium Services, LLC (PMP 632)**

**New PIC: Sherril Benson**

**CuraScript, Inc., dba CuraScript SP Specialty Pharmacy (PMP 381)**

**New PIC: Ann Campagna**

**BOARD OF PHARMACY**  
**February 16, 2012**  
**RATIFICATION LIST**

**PHARMACIST LICENSE as of Monday, February 06, 2012**

**LTYPE   LIC NUM   BP NAME PART 1**

PH	3328	AMY L <EHLERS<
PH	3329	KRISTIN W <FEARON<
PH	3330	DANIEL D <CARIDDI<

**PHARMACY INTERN PERMIT as of Monday, February 06, 2012**

**PERMIT**

**LTYPE   NUM   VAM BPR LEGAL NAME 1**

PHI	3038	ELIZABETH E <PARKER<
PHI	3039	HAGAR M <BADAWY<
PHI	3040	VISHALI K P <PATEL<
PHI	3041	JENNIFER E <SCHRIBER<
PHI	3042	EVAN L <WEIGHT<
PHI	3043	MICHAEL M <HARRIS<
PHI	3044	ARDEN K <IKEHARA<
PHI	3045	MARSHA S <NG<

**BOARD OF PHARMACY**  
**February 16, 2012**  
**RATIFICATION LIST**

**PHARMACY MISCELLANEOUS PERMIT as of Monday, February 6, 2012**

<u>LTYPE</u>	<u>LIC 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	737	ASL PHARMACY	900 CALLE PLANO STE M	CAMARILLO	CA	93012	ASL PHARMACY
PMP	738		3300 SW 15TH	DEERFIELD BEACH	FL	33442	MED-CARE PHARMACY INC
PMP	739	DIPLOMAT SPECIALTY PHARMACY	2724 N WATERMAN AVE STE H	SAN BERNARDINO	CA	92404	DIPLOMAT PHARMACY INC
PMP	740		6435 HAZELTINE NATIONAL DR	ORLANDO	FL	32822	LEGACY RX LLC