

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

MINUTES OF MEETING

Date: Thursday, March 15, 2012

Time: 9:00 a.m.

Place: King Kalakaua Room
King Kalakaua Building
335 Merchant Street, First 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

Excused: Jill Oliveira Gray, Public Member

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

Guests: Gabriel Washington, Student, Ohio Northern University
Stacy Pi, Kaiser Permanente
Albert Lau, Kaiser Permanente
Matthew Ber, Student, University of Washington
Greg Edwards, Department of Health, Food and Drug Branch
Lyell Hirashiki, Kaiser Permanente
Ana Park, Student, UH Hilo, College of Pharmacy
Marcella Chock, Hawaii Pharmacists Association
Sylvia Wong, UB School of Pharmacy
Dexter Mar, Ohana Health Plan

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 9:07 a.m.

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

The Chair asked the audience to introduce themselves and excused Dr. Oliveira Gray.

Additions and Additional Distribution

Upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to add the following to today's agenda:

Additions

5. Correspondence
 - a. National Association of Boards of Pharmacy ("NABP")
 - 5) NABP's letter to Internet Corporation for Assigned Names and Numbers
 - 6) NABP Support Legislation Aimed to Protect Patients from Counterfeit Drugs and Fake Online Pharmacies
 - e. URL Pharma, Inc. – Urgent Drug Recall for Nisoldipine Extended Release Tablets 17 mg.
 - f. IV Chemotherapy
 - g. Prescriptions for Nursing Home House Stock

9. Applications
 - b. Pharmacist(s)
 - 2) James Wang

Approval of the Previous Minutes – February 16, 2012 Meeting

The Chair asked if there were any amendments to the minutes of the February 16, 2012 meeting.

The Vice Chair stated that on page 3, second paragraph, he thinks that he had concerns with the language in pertaining to the training in the immunizations bills and not the Chair.

Mr. Lau stated that also on page 3, the last line, insert the phrase "frequency of the" before recertification requirements, to clarify his concerns.

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 February 16, 2012 meeting as amended.

Executive Officer's Report

2012 Legislature

HB 1965 – Relating to Continuing Education

The EO reported that this bill crossed over to the Senate and was referred to the Senate Committee on Health which has scheduled a hearing for March 29, 2012. She asked if the Board had any comments or concerns. There was none.

HB 1703 – Relating to Underserved Areas

The EO reported that she sent a letter to Representative Evans on this bill and requesting any further information for the Board to consider.

HB 1966/SB 2229 Relating to Vaccines

The EO reported that HB 1966, HD2, crossed over to the Senate and was referred to the Senate Committees on Health and Consumer Protection, however no hearings have been scheduled so far.

For SB 2229, SD2, this bill also crossed over to the House and was referred to the House Committees on Health and Consumer Protection, however no hearing has been scheduled so far.

The EO also stated that both bills include the amendments recommended by the Board at the February meeting, however, should these bills be scheduled for hearing, she recommends the Board request that for HB 1966, HD2, the effective date be amended to indicate "upon approval" instead of "July 1, 2050".

Mr. Inafuku stated that he preferred the language in the house bill in regards to the training because it stated every other biennium instead of every four years and asked if a representative from the Hawaii Pharmacists Association can clarify the immunization training.

Ms. Chock stated that the Hawaii Pharmacists Association's initial immunization training is longer than an "update" training which normally is one hour and the individual does not receive any additional continuing education credit for retaking the immunization training course, however, a completion certificate may be issued.

The EO wanted to clarify that no where in the bills does it refer to "recertification" in regards to the training required every four years.

After further discussion, upon a motion by Mr. Inafuku, seconded by Dr. Ma, it was voted on and unanimously carried to support HB 1966, HD2 and SB 2229, SD2 with the following amendments:

- On page 10, line 9 should read, "complete a course approved by the board [~~described in section 461____(d)~~] within every". Since the new proposed section 461____(d) already refers to training programs approved by the Accreditation Council for Pharmacy Education (ACPE). This amendment would be consistent with the current requirement that pharmacist complete board approved continuing education and training courses accredited by the ACPE.
- On page 12, line 15 should read, "SECTION 7. This Act shall take effect upon its approval [~~on July 1, 2050~~]."

For SB 2229, SD2:

- Page 10, line 11 – 12 should read, "complete a training program approved by the board within every other biennial renewal period [~~described in section 461____ every four years~~] and submit proof of successful completion of the".

Laws and Rules
Committee Report:

Report on March 15, 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".

He reported that the Committee reviewed and amended the definition of "Practice of pharmacy" (1) and is now working on clarifying and defining some of the terms used in this section such as "medical orders", "chart orders" and "pharmacist care".

At the next meeting, the Committee will be discussing section (2) which currently lists procedures and functions a pharmacist may perform in concurrence with a health care facility and health care service or a pharmacy or manage care plan.

Correspondence:

National Association of Boards of Pharmacy ("NABP")

NABP State News Roundup – February 2012

The Chair noted the following articles:

Alabama – The Alabama Department of Public Health Center for Emergency Preparedness, in coordination with its Pharmacy Division and others, coordinate health, pharmacy, medical and social services in Alabama that will be accessed during public health threats or emergencies.

Arkansas – The Arkansas State medical Board has developed an online system notifying individuals when there has been action on a practitioner's license. Pharmacies are encouraged to register for this free service.

Iowa – Iowa's prescription monitoring program (PMP) has shown success in reducing the incidence of patients who utilize multiple pharmacies and multiple prescribers to obtain controlled substances and has also shown significant increases in the use of controlled substances in Iowa.

Ohio – Ohio's new rules for the "Pill Mill Bill" which requires that a prescriber's practice must be licensed as a pain management clinic with a Terminal Distributor of Dangerous Drugs license if the majority of his/her own patients are being treated for pain or chronic pain with controlled substances.

Arkansas – Immunization Requirements

The Chair reported that in an article in the Arkansas State Board of Pharmacy newsletter, their practice of pharmacy includes the administration of influenza vaccines and immunizations to persons aged 7 and older under a general written protocol and that medications other than vaccines or immunizations may be administered to persons age 7 and older under a patient specific order or prescription and subject to reporting of the administration to the prescribing physician.

Alabama – Change of Employment

The Chair reported that in an article in the Alabama State Board of Pharmacy newsletter, they remind their pharmacist (and technicians) that they are required to notify the Board, in writing, within 10 days, on change of employment. The Chair noted that Hawaii has similar regulations including but not limited to HRS 461-11, which states, "All registered pharmacist shall notify the board of changes in business address within ten days.", HAR 16-95-21(d), "Any change in the application or of any information filed with the board shall be reported to the board, in writing, within ten days of the change."

Wyoming – The Need for Telepharmacies in Wyoming

The Chair stated that in an article in the Wyoming State Board of Pharmacy newsletter, there appears to be a “need” for Telepharmacies in that state due to the rural population and that currently there is only one telepharmacy in operation.

NABP’s letter to Internet Corporation for Assigned Names and Numbers

A copy of NABP’s letter of concern to Internet Corporation for Assigned Names and Numbers was distributed to the Board members for their information. NABP is encouraging Internet Corporation for Assigned Names and Numbers to take additional steps to protect Internet users from Web sites engaged in the illicit sale of prescription drugs. According to the NABP, most of these Web sites are not licensed as pharmacies and are selling prescription drugs without requiring a valid prescription and also sell unregulated, substandard, or counterfeit medications.

NABP Support Legislation Aimed to Protect Patients from Counterfeit Drugs and Fake Online Pharmacies

A copy of a news release in which the NABP supports legislation that would implement safeguards such as a federal registry that would assist consumers in identifying safe Internet pharmacies against fake online pharmacies that endanger the lives of unsuspecting consumers by distributing counterfeit, adulterated, and substandard drug products, often without requiring a valid prescription.

Article – “Judge strikes down law mandating sale of contraception”

A copy of the above mentioned article was distributed to the Board members for their information only.

Relocation of Pharmacy – Access to Water

The Chair asked the Vice Chair to discuss the inquiry submitted by Lynn Donovan, pharmacist for the Lanakila Health Clinic.

The Vice Chair read Ms. Donovan’s email in which she stated that the TB pharmacy may be temporarily relocated to a different building that would have hot and cold water accessible to the pharmacy, across the hall, but not actually inside the pharmacy.

After some discussion, upon a motion by the Vice Chair, seconded by Dr. Ma, it was voted on and unanimously carried to inform Ms. Donovan that the sink with hot and cold running water should be included in the pharmacy or prescription area pursuant to HAR 16-95-26(b)(1).

The Board also directed the EO to inform Ms. Donovan that in the past, the Board did allow a pharmacy to use a portable sink that had hot and cold water.

RDT Survey

The Chair asked Dr. Ma if she can lead the discussion in this inquiry.

Dr. Ma read the questions from Kathryn Matthias regarding "Pharmacists and Rapid Diagnostic Testing in Hawaii" and if pharmacists are allowed to perform rapid diagnostic tests under their current pharmacy practice act.

The Chair stated that pharmacists may order or perform drug therapy related patient assessment procedures and order drug therapy related laboratory tests.

After some discussion, it was the consensus of the Board that under the current practice act, pharmacists may not perform rapid diagnostic tests, however, the Board is currently discussing possible amendments to the definition of "Practice of pharmacy" by adopting language from the NABP Model Act that would allow a pharmacist to perform services, without dispensing of drugs, with the intent to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms or arresting or slowing of a disease process.

URL Pharma, Inc. – Urgent Drug Recall for Nisoldipine Extended Release Tablets 17 mg.

A copy of the recall notice was distributed to the Board members for their information.

IV Chemotherapy

The Chair asked Ms. Kumasaka to lead the discussion in this inquiry.

Ms. Kumasaka read the email from Heather Cronan asking if Hawaii has regulations regarding the preparation, dispensing and administration of IV chemotherapy if these regulations differ between the practice settings such as hospital, ambulatory surgery center and office settings.

After some discussion, it was the consensus of the Board to inform Ms. Cronan that the pharmacy laws and rules do not have specific language pertaining to the preparation, dispensing and administration of IV chemotherapy drugs and that a pharmacy may dispense any prescription drug provide they are presented with a valid prescription. The Board also wanted to inform Ms. Cronan that the Board does not have jurisdiction over the preparation or administration of IV chemotherapy drugs if they are not prepared by a licensed pharmacist in a permitted pharmacy and that there is no pending legislation specifically addressing this issue and to refer her to the Department of Health to see if they have regulations regarding he preparation of IV chemotherapy drugs in any setting.

Prescriptions for Nursing Home House Stock

The Chair asked Mr. Lau to lead the discussion on this inquiry from a pharmacy asking if they can dispense nebulizer masks as house stock.

After some discussion, it was the consensus of the Board to inform Ms. Shima that in order to "distribute" a prescription medical device to other than the end user/patient, they must be licensed as a prescription wholesale distributor and if "dispensing" a prescription medical device, the pharmacy must have a valid prescription that is patient specific in order to dispense the prescription device to the end user/patient.

Old Business: **HAR Title 16, Chapter 95 – Status Report**

The EO reported that the draft is being printed and in the mean time she will start drafting the justification for the proposed rules.

New Business: **Diversion Programs/Impaired Pharmacists**

The EO reported that she checked with the other EOs to see if any other professions included reference in their practice act regarding diversion programs for impaired practitioners and it appears that only the Board of Nursing has a separate law and rule.

A copy of HRS 334D, Diversion Program for Chemically Dependent Nurses and HAR 89B, Diversion Program was distributed to the Board members for their information.

After some discussion, it was the consensus of the Board to refer this information to the Laws and Rules Committee for their review and consideration.

Open Forum: The Vice Chair wanted to discuss Advanced Practice Registered Nurses with prescriptive authority (Rx) for controlled substances.

The EO stated that she will put this item on the agenda for the April meeting.

Mr. Inafuku reported that HB 2564, HD1 and its companion, SB 2826, SD1 have both crossed over and are waiting to be heard by the respective committees. These bills add pharmacist to the list of volunteer medical assistance and volunteer emergency medical disaster response personnel to be provided immunity from liability.

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.

Executive Session: At 10:54 a.m., upon a motion by the Vice 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 11:12 a.m. upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to move out of executive session.

Applications

Pharmacist(s)

Rachel Loukas

Upon a motion by Mr. Lau, seconded by the Vice Chair, it was voted on and unanimously carried to inform Ms. Loukas that if she submitted an application, the following sections would be considered by the Board in making a decision on her application:

HAR §16-95-22.5 (c) The board may deny licensure by reciprocity if the applicant has had any disciplinary action taken or if any unresolved complaints are pending.

HAR §16-95-32.2 (a) An application for issuance of a license or permit shall be denied when an application is insufficient or incomplete; is not accompanied with the required fees; or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements for the license or permit. In addition, the board may deny issuance of a license or permit;

- (2) If the applicant has had any disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

HRS §461-8.5(a) Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure; provide that:

- (4) The pharmacist does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the pharmacist shall provide any information requested by the board;

HRS §436B-19 In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (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;

James Wang

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the application for pharmacist licensure upon receipt of the original application and documents and successful passing of the Hawaii MPJE for Mr. Wang.

Miscellaneous Permit

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

Pharmaco, Inc.

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

**Vets First Choice
DaVita Rx, LLC**

Chapter 91, Hawaii
Revised Statutes,
Adjudicatory Matters:

At 11:13 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 Huong Nguyen Tran, PHA 2010-28-L,
Board's Proposed Final Order**

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to accept the Board's Proposed Final Order.

**In the Matter of the Miscellaneous Permit of NMHCRX Mail Order, Inc., dba
Informedmail; PHA 2010-33-L, Settlement Agreement Prior to Filing of Petition for
Disciplinary Action and Board's Final Order; Exhibit "1"**

Upon a motion by the Vice Chair, seconded by the Chair, it was voted on and unanimously carried to approve the 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 11:15 a.m.

Next Meeting:

Thursday, April 19, 2012
9:00 a.m.
King Kalakaua Conference room
King Kalakaua Building, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

The Chair and Vice Chair stated that they may not be in town for the May meeting.

After some discussion, it was the consensus of the Board to move the May 17, 2012 meeting to May 31, 2012, two weeks later.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:25 a.m.

Taken and recorded by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

3/29/12

[X] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____

BOARD OF PHARMACY

March 15, 2012 Ratification List

Miscellaneous Permits (PMP)

Closure:

VetCentric, Inc. (PMP 379)
2409 Pepper Mill Drive
Glen Burnie, MD 21061

Scriptwise (PMP 412)
200 Hoff Road, Ste. A
Westerville, OH 43082

Aero Apothecary, Inc. (PMP 365)
24747 Redlands Blvd. #A
Loma Linda, CA 92354

New PIC:

Biomed Pharmaceuticals (PMP 524)
Andrew Babbs, PIC

Apothecary Shop of Deer Valley, Inc. (PMP 600)
Christopher Dinoffria, PIC

Prime Therapeutics LLC (PMP508)
LuGina Mendez-Harper, PIC

Humana Pharmacy Inc., dba RightSource (PMP 473)
Michael Kuratko, PIC

Pharmacy (PHY)

Closure:

Hawaii Medical Center East (PHY 682)
2230 Liliha Street
Honolulu, Hawaii 96817

Hawaii Medical Center West (PHY 683)
91-2141 Ft. Weaver Road
Ewa Beach, Hawaii 96706

Wholesale Distributor

Closure:

Hawaii Medical Center East (PWD 150)
2230 Liliha Street
Honolulu, Hawaii 96817

BOARD OF PHARMACY
March 15, 2012
RATIFICATION LIST

PHARMACIST LICENSE as of Tuesday, March 06, 2012

<u>LTYPE</u>	<u>LIC NUM</u>	<u>BP NAME PART 1</u>
PH	3331	SHWETA <PATEL<
PH	3332	MELISSA G <MACKIN<
PH	3333	JASON L <MILLS<

PHARMACY INTERN PERMIT as of Tuesday, March 06, 2012

<u>LTYPE</u>	<u>PERMIT NUM</u>	<u>VAM BPR LEGAL NAME 1</u>
PHI	3046	MATTHEW A <BERG<
PHI	3047	JENNIFER P <BORNA<
PHI	3048	ASHLEY M <DESTEFANO<
PHI	3049	ELIZABETH J <ISAAC<
PHI	3050	ERIN F <MCCLUSKER<
PHI	3051	LORIFEL Y <NABONG<
PHI	3052	SEUNG W <OH<
PHI	3053	SANGEETA K <SALVI<
PHI	3054	KIMBERLY <TRAN<
PHI	3055	CHRISTOPHER L <CONETTA<

BOARD OF PHARMACY
March 15, 2012
RATIFICATION LIST

PHARMACY as of Tuesday, March 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 ST</u>	<u>BUSN ZIP</u>	<u>BP NAME PART 1</u>
PHY	810	WAL-MART PHARMACY 310-3883	91-600 FARRINGTON HWY	KAPOLEI	HI	96707	WAL-MART STORES INC
PHY	811	CVS CAREMARK	2969 MAPUNAPUNA PL STE 110	HONOLULU	HI	96819	CAREMARK HAWAII MAIL PHARMACY LLC

PHARMACY MISCELLANEOUS PERMIT as of Tuesday, March 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 ST</u>	<u>BUSN ZIP</u>	<u>BP NAME PART 1</u>
PMP	741		1178 CHERRY AVENUE	SAN BRUNO	CA	94066	DAVITA RX LLC
PMP	742	CORAM SPECIALTY INFUSION SERVICES AN APRIA HEALTHCARE CO	2345 WATERS DR	MENDOTA HEIGHTS	MN	55120	CORAM ALTERNATE SITE SERVICES INC