

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

MINUTES OF MEETING

Date: Thursday, April 19, 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
Garrett Lau, Pharmacist
Carolyn Ma, Pharmacist
Jill Oliveira Gray, Public Member

Excused: Lydia Kumasaka, Public Member

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

Guests: Stacy Pi, Kaiser Permanente
Greg Edwards, Department of Health, Food and Drug Branch
Asma Rifay, Ohana Health Plan
Christina McKinnon, Walgreens
Jessica Toyama, Walgreens
Chris Conetta, Ohana Health Plan
Rachel Nishimura, Healthways
Richelle Hirata, Healthways
Keiko Hiraoka, Lilly
Erika Miyahira, UHH CoP
Lyell Hirashiki, Kaiser Permanente
Albert Lau, Kaiser Permanente
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 9:11 a.m.

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

The Chair excused Ms. Kumasaka and asked the audience to introduce themselves.

The Chair gave a brief report on his attendance at the MPJE Item Writing Session he attended in Chicago, Illinois, March 22-23, 2012.

Additions and Additional Distribution

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

3. Executive Officer's Report
 - a. 2012 Legislature
 - 2) SB 2229, SD2, HD1

5. Correspondence
 - a. National Association of Boards of Pharmacy ("NABP")
 - 1) NABP State News Roundup – April 2012

Approval of the Previous Minutes – March 15, 2012 Meeting

The Chair asked if there were any amendments to the minutes of the March 15, 2012 meeting.

There being none, upon a motion by the Vice Chair, seconded by Dr. Oliveira Gray, it was voted on and unanimously carried to approve the minutes of the March 15, 2012 meeting as circulated.

Executive Officer's Report

2012 Legislature

HB 1965 – Relating to Continuing Education

The EO reported that this bill was transmitted to the Governor's Office for approval. The Department's comments and recommendations were submitted on April 12, 2012.

Mr. Inafuku stated that he believes the Governor signed this bill yesterday or the day before.

SB 2229, SD2, HD1 - Relating to Vaccines

The EO reported that this bill was enrolled to the Governor on April 10, 2012.

Mr. Inafuku also reported that HB 2564 – Relating to Volunteer Medical Assistance Services, was also sent to the Governor's office.

Regulated Industries Complaints Office – Pharmacy Advisory Committee Addition

Upon a motion by the Vice Chair, seconded by Dr. Oliveira Gray, it was voted on and unanimously carried to approve the list of individuals submitted by RICO to serve on RICO's Pharmacy Advisory Committee.

Approved APRN-Rx for Controlled Substances

The EO explained that she has received requests for a "list" of APRNs with prescriptive authority to prescribe controlled substances from different pharmacists and pharmacies so she has compiled a list of APRN-Rx for controlled substances that have been approved by the Board of Nursing. She stated that the list is only as current as of April 10, 2012 and will be updated monthly after the Board of Nursing approves the list and will be posted on the Board of Pharmacy's web page.

Laws and Rules Committee Report:

Report on April 19, 2012 Meeting

Mr. Inafuku reported that the Laws and Rules Committee met this morning to continue their discussion on proposed amendments to the definition of the "Practice of pharmacy".

He reported that the Committee discussed and agreed on language for the definitions of "chart order" and "medical order" versus "valid prescription" and "pharmacist care". He further reported that at the next meeting, the Committee will be comparing the definition of "prescription" with the NABP Model Act definition and discussing the NABP Model Act definitions for "medication therapy management", "collaborative pharmacy practice", "primary care", "collaborative pharmacy practice agreement" and "devices".

Mr. Inafuku also reported that the Committee will be considering language for a diversion or impaired practitioner program for pharmacists and also having discussions with the Board of Nursing on the APRN's scope of practice and specialties.

Correspondence:

National Association of Boards of Pharmacy ("NABP")

NABP State News Roundup – March and April 2012

The Chair noted the following articles:

Idaho – Idaho reported that the Idaho State Board of Pharmacy rule book was repealed by the Idaho Legislature and a new set of rules were promulgated which will take effect at the end of the 2012 legislative session. He noted that there were several changes that included Rule 116 allowing pharmacists, utilizing their best professional judgment, to fill up to the total amount for non-controlled substances, that includes dispensing quantity plus all refills; Rules 290 and 291 outlining regulation of automatic dispensing and storage systems, such as those in institutional setting, retail pharmacy or prescriber drug outlet that encompass access, stocking, security, reporting, pharmacist review as well as the return and wasting of drugs; Rule 320 which allows an Idaho licensed pharmacist to provide pharmaceutical care services and medication therapy management outside of a pharmacy or institutional facility, including across state lines, if certain conditions are met; and Rules 601 and 602 which reduces the requirements for pharmacy technical equipment, space and fixtures and requiring equipment as necessary by the pharmacy's scope of practice to ensure public safety and eliminating the long list of required technical equipment and any required drug stock and also requiring that the lavatory facility must be located within the pharmacy and not adjacent.

Dr. Ma also noted that Idaho Rule 036 requires that student pharmacists renew their registration annually, without a fee, while enrolled in a school or college of pharmacy and that graduates from an accredited school or college of pharmacy, excluding foreign graduates, will no longer be required to meet a minimum number of intern or extern hours for licensure.

Kansas - The Kansas Board of Pharmacy is drafting a policy, in conjunction with the Kansas Department of Health that would permit a pharmacy to accept unwanted non-controlled drugs by ultimate users for drug disposal. The drug disposal program would help facilitate the collection and destruction of household medications that can easily be in the reach of children or teenagers and ensure that expired or unused medications can be destroyed safely and in an affordable way.

Minnesota – The Minnesota Board of Pharmacy adopted a definition of "limited service pharmacy" that means, "A pharmacy to which the board may assign a restricted licensed to perform a narrow range of the activities that constitute the practice of pharmacy."

South Dakota – A new law requires mandatory background checks for initial pharmacist registration and may also be required for those licensees under disciplinary investigation.

Pyxis – E-kit Restocking, Email from Jerry Berndt

The Board reviewed and discussed an email inquiry from Mr. Berndt in which he asks if a pharmacy provides pharmaceuticals to a correctional facility, if the facility is utilizing an e-kit or Pyxis type machine for emergency first dosing, can a non-pharmacy personnel such as a nurse, restock the medication into the e-kit or Pyxis?

The Vice Chair stated that based on that HAR 16-95-80(c)(2)(D) and (E), as it refers to the inventory and audit of a night cabinet, he believes it is the pharmacist's responsibility.

Mr. Lau stated that based on HAR 16-95-81(c), as it refers to the labeling of the emergency kit, he also believes it is the pharmacist's responsibility.

The Chair stated that based on HAR 16-95-81(e), as it refers to the pharmacist shall replace any expired, drugs, re-label and reseal the kit, it would appear that the pharmacist should be restocking the e-kit or Pyxis.

Dr. Ma stated that in some hospitals, pharmacy technicians are stocking the machines.

The Vice Chair stated that the pharmacy technician must be immediately supervised by a pharmacist.

Mr. Inafuku stated that he was concerned with applying 20 year old administrative rules to current practice.

Mr. Lau had concerns with restriction of trade since the pharmacy is an out-of-state entity.

The EO explained that the Board should apply their current laws and rules to all situations and entities, including in-state and out-of-state entities or pharmacies.

Mr. Lau stated that he understands that this is a safety issue.

After further discussion, upon a motion by the Vice Chair, seconded by the Chair, it was voted on with the Vice Chair, Chair, Mr. Lau and Dr. Oliveira Gray voting yes and Mr. Inafuku and Dr. Ma abstaining to inform Mr. Berndt that based on HAR §§ 16-95-80 and 81, the pharmacist must stock the e-kit or Pyxis. The motion carried.

FDA Opens Dialogue of Incorporating Technology, Pharmacy into Switch Paradigm

The Vice Chair submitted an article for the Board members for their information.

The article was in regards to the Food and Drug Administration's director of the Center for Drug Evaluation and Research, Janet Woodcock, identifying three tools the agency wants to use in potentially increasing access to appropriate medicines. She refers to these "pathways" to improve access including the use of improved communication technology that could enhance the Drug Facts Label, such as making available instructional videos for public consumption, a codified mechanism that would incorporate a pharmacist consultation or diagnosis before a medicine was made available and a model where pharmacists would serve as physician extenders for medicines treating chronic conditions.

Discussion on Issuing of a Pharmacy Permit Number Prior to the Pharmacy Submitting a Complete Application

The Vice Chair submitted an email for the Board's consideration regarding the issuance of a pharmacy permit number to an applicant who "intends" to open a pharmacy so that other permits and registrations may be obtained, e.g. NCPDP number, so that the pharmacy may open for business in a shorter time period.

He stated that currently it takes approximately 4 – 6 months to get a pharmacy up and running with the required licenses and permits.

The EO stated that based on the scenario, it doesn't appear that the issuance of a pharmacy permit before a pharmacy is "ready" would speed up the process if the Department of Public Safety, Narcotics Enforcement Division ("DPS-NED") would conduct an on-site inspection. If the pharmacy is not built or ready to open, would the DPS-NED schedule an inspection?

The Vice Chair stated that he understands it is not the issuance of the pharmacy permit number that is the issue, but rather the lengthy process and other entities involved.

The EO stated that a pharmacy permit can be pre-assigned, however, once it is issued, her concern was that technically, the pharmacy may not meet the requirements to be issued the pharmacy permit.

Mr. Edwards stated that HRS Chapter 328 does not specify who prescription wholesale distributors ("PWD") can distribute to, only indicates who they cannot "dispense" to, e.g. the patient or end user, so his concern was that if the Board issues a pharmacy permit to an individual or entity, there is nothing prohibiting the PWD from selling or distributing prescriptions drugs to the individual or entity.

After further discussion, the EO asked the Vice Chair to find the contact information for the entity that issues the NCPDP and NPI numbers so that she can contact them, the DPS-NED and DEA to determine the process and a time-frame it takes for a pharmacy to obtain the necessary licenses/permits in order to dispense drugs.

Old Business:

HAR Title 16, Chapter 95 – Status Report

The EO reported that she is working on the justification and prior to the next meeting, the draft will be sent to the Licensing Administrator, the Director and then to the DAG.

Open Forum:

Mr. Edwards stated that he wanted to comment on the Laws and Rules Committee report regarding the proposed definitions of "chart order". By clarifying the difference between a "prescription" and "chart order", based on the language in HRS Chapter 328, a "chart order" may not be considered a valid prescription if it does not meet the requirements in HRS 328 for "valid prescriptions" and therefore may not be electronically transmitted.

Applications:

Ratification List

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

Miscellaneous Permit

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

Vets First Choice

Chapter 91, Hawaii
Revised Statutes,
Adjudicatory Matters:

At 10:20 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 Dennis R. Birk, PHA 2008-38-L, Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order, Board's Final Order, Errata

The Chair recused himself.

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

In the Matter of the Pharmacist License of Huong Nguyen Tran, PHA 2010-28-L, Board's Final Order

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to accept 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 10:54 a.m.

Next Meeting: Thursday, May 31, 2012 – New Date
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
10:54 a.m.

Taken and recorded by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

4/20/12

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 5/31/12.

BOARD OF PHARMACY

May 31, 2012 Ratification List

Miscellaneous Permits (PMP)

Change of PIC:

Aetna Specialty Pharmacy LLC (PMP 411)

New PIC: Nereida Padilla

Immediate Pharmaceutical Services, Inc. (PMP 586)

New PIC: Christopher Simmons

Veterinary Mart, Corp (PMP 699)

New PIC: Allan Cao

BioScrip Infusion Services, Inc. (PMP 570)

New PIC: Diane J. Keilberg

OptumRx, Inc. (PMP 224)

dba Prescription Solutions by OptumRx

New PIC: Phong Quoc Ly

Prescription Plus, Inc. (PMP 553)

New PIC: Ani Rostomyan

Change Name:

Exactus Pharmacy Solutions Inc. (PMP 531)

fka Wellcare Specialty Pharmacy Inc.

Relocation:

Exactus Pharmacy Solutions Inc. (PMP 531)

fka Wellcare Specialty Pharmacy Inc.

4110 George Road, Suite 100

Tampa, Florida 33634

Pharmacy (PHY)

New PIC:

Longs Drug Stores California LLC (PHY 738)

dba Longs Drugs #9317

New PIC: Kurtis Nakamura (PH 2937)

Longs Drug Stores California LLC (PHY 758)

dba Longs Drugs #6889

New PIC: Tasha Tsukamoto (PH 3079)

Kmart Corporation (PHY 611)

dba Kmart Pharmacy #9430

New PIC: David Isaacson (PH 2767)

BOARD OF PHARMACY
May 31, 2012
RATIFICATION LIST

PHARMACIST LICENSE as of Monday, May 21, 2012

<u>LTYPE</u>	<u>LIC NUM</u>	<u>BP NAME PART 1</u>
PH	3344	AMI H <TAJUDEEN<
PH	3345	XIAOYUN YANG <PENG<
PH	3346	MICHAEL W <CHEE<
PH	3347	SUSAN M <FILO<
PH	3348	NICHOLAS M <CHUNG<
PH	3349	JAMES H <WANG<
PH	3350	MARIA G <YU<
PH	3351	MARY THERESA <ROSSETTI<

PHARMACY INTERN PERMIT as of Monday, May 21, 2012

<u>LTYPE</u>	<u>PERMIT NUM</u>	<u>VAM BPR LEGAL NAME 1</u>	<u>LTYPE</u>	<u>PERMIT NUM</u>	<u>VAM BPR LEGAL NAME 1</u>	<u>LTYPE</u>	<u>PERMIT NUM</u>	<u>VAM BPR LEGAL NAME 1</u>
PHI	3063	KELSI L <WILKERSON<	PHI	3100	FRANKLIN S <LIU<	PHI	3137	DAVIS I <HANAI<
PHI	3064	ANDREA E <RUSSELL<	PHI	3101	WEI <LIN<	PHI	3138	DANIEL S <HASEGAWA<
PHI	3065	ANTHONY D T <TRAN<	PHI	3102	EMILY <LIN<	PHI	3139	DAVID A <HATCHER<
PHI	3066	RYAN W I <NISHIKAWA<	PHI	3103	JENNIE K <LIM<	PHI	3140	RYAN W <HIMES<
PHI	3067	ALICIA K <HART<	PHI	3104	EDWINA Y <LEUNG<	PHI	3141	CHEUK KONG <HO<
PHI	3068	MOLLY C <LEACH<	PHI	3105	DANIEL K <LEONG<	PHI	3142	JOSEN <HO<
PHI	3069	HEATHER A <PENCE<	PHI	3106	CLESSON T R <LEE<	PHI	3143	HUIYUAN <HU<
PHI	3070	BRENT L <ATWELL<	PHI	3107	ANDREW W <LEE<	PHI	3144	BRYAN <HUYNH<
PHI	3071	DIANE N <OKPALA<	PHI	3108	PHILIP T <LE<	PHI	3145	JIM <HUNG<
PHI	3072	LACY A <GALLAGHER<	PHI	3109	ISAAC K <LAU<	PHI	3146	NICOLE S <YOUNG<
PHI	3073	JACQUELINE N <CLINGER<	PHI	3110	TRACI M <KUSAKA<	PHI	3147	AKIO <YANAGISAWA<
PHI	3074	THOMAS I <SHAW<	PHI	3111	CASEY K <KOIZUMI<	PHI	3148	ALLISON A <YAMASHITA<
PHI	3075	BREANNA R <SCHMIDT<	PHI	3112	TIFFANY A <KHAN<	PHI	3149	EDWARD M <WONG<
PHI	3076	ADAM G <ROOT<	PHI	3113	ELYSE M <KANDA<	PHI	3150	ERIC W <WIGMOSTA<
PHI	3077	KATIE E <WALTERS<	PHI	3114	EUN HAE <JUNG<	PHI	3151	JILLIAN M <WEWERS<
PHI	3078	ASHLEY M <KANDA<	PHI	3115	BRIAN C <JOHN<	PHI	3152	DANIEL N <WATANABE<
PHI	3079	ABBY H <HAUGRUD<	PHI	3116	MINA R <IBRAHIM<	PHI	3153	AMELIA D <VOLGARINO<
PHI	3080	MORGAN L <SANDELL<	PHI	3117	FRANCINE V <AMOA<	PHI	3154	ALYSIA M <USUGI<
PHI	3081	ASHLEY T <FEE<	PHI	3118	CHI CHIU <AU YEUNG<	PHI	3155	JILL ANNE D <VILLAROSA<
PHI	3082	EMILY Y <KIM<	PHI	3119	BRIANNE M <BLAKESLEY<	PHI	3156	ANTONIO <VERDUZCO ALVAREZ<
PHI	3083	KERJUN <CHANG<	PHI	3120	JASMINE MICHELE Y <BRADFISH<	PHI	3157	TRINA M <TRAN<
PHI	3084	MICHAEL M <CHEN<	PHI	3121	ANDREA L <BRAUER<	PHI	3158	FREDERICK R <TAYLOR<
PHI	3085	BRITTANY B <LAPHAM<	PHI	3122	ALBERT <CHO<	PHI	3159	KATHARINE E <TAMAI<
PHI	3086	BILLY <NGUYEN<	PHI	3123	YOUNG <CHOU<	PHI	3160	LINDSEY K <TAKARA<
PHI	3087	DARIAN M <OSHIRO<	PHI	3124	RICHARD J <CLEAVE< IV	PHI	3161	KACIE F <TAKAHASHI<
PHI	3088	KRISTIANNE S <NISHEK<	PHI	3125	JEREMY B <DAUBE<	PHI	3162	STEPHANIE L <SUMNER<
PHI	3089	THAI Q <NGUYEN<	PHI	3126	PAVLIN E <DIMITROV<	PHI	3163	NATALIE M <SAVONA<
PHI	3090	BRYAN G <NGUYEN<	PHI	3127	LE <DU<	PHI	3164	LOIS S <ROADARMEL<
PHI	3091	MAI Q <NGO<	PHI	3128	BLANCHE A G <DUAROSAN<	PHI	3165	LATASHA R <RIDDICK<
PHI	3092	ERIC <NGO<	PHI	3129	FRISTA R <DUMANDAN<	PHI	3166	GARRETT C <RHODES<
PHI	3093	CHI BICH <NGO<	PHI	3130	JOSEPH J <FREDRICK<	PHI	3167	JARRED B M <PRUDENCIO<
PHI	3094	TRACY <NG<	PHI	3131	RYAN K <FUKUMITSU<	PHI	3168	JESSICA A <PARKER<
PHI	3095	CHELSEA <MUROBAYASHI<	PHI	3132	JOZELLE M <GABRIEL<	PHI	3169	JIN BAE <PAK<
PHI	3096	KENNA K <MURAMOTO<	PHI	3133	ERICSON C <GANOTISI<	PHI	3170	MEGAN M <LUDWIG<
PHI	3097	KATHY K <MORRIS<	PHI	3134	JEFFREY L <GORE<	PHI	3171	JOSIAH D <HOWELL<
PHI	3098	NICOLE K <MIYAHIRA<	PHI	3135	STEPHANIE M <GREGORIO<	PHI	3172	LYNN T <NGUYEN<
PHI	3099	KRISTINA M <LO<	PHI	3136	REMY H <GUIRGUIS<			

BOARD OF PHARMACY
May 31, 2012
RATIFICATION LIST

PHARMACY as of Monday, May 21, 2012

<u>LTYPE</u>	<u>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	815	CVS/PHARMACY #4405	95-1077 AINAMAKUA DR	MILILANI	HI	96789	LONGS DRUG STORES CALIFORNIA LLC
PHY	816		153 S KAMEHAMEHA HWY	WAHIAWA	HI	96786	WALGREEN OF HAWAII LLC
PHY	817		7192 KALANIANAOLE HWY STE C119	HONOLULU	HI	96825	WALGREEN OF HAWAII LLC
PHY	818	R <WEINSTEIN<	1010 S KING 1010 S KING ST STE 704	HONOLULU	HI	96814	R <WEINSTEIN< IMMUNIZATION & PRESC

PHARMACY MISCELLANEOUS PERMIT as of Monday, May 21, 2012

<u>LTYPE</u>	<u>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	758		2815 WATTERSON TRL	LOUISVILLE	KY	40299	PET 360 INC DBA PETSCRIPTIONS
PMP	759	BEYOND MEDICAL USA	5180 W ATLANTIC AVE STE 107	DELRAY BEACH	FL	33484	AM-MED DIABETIC SUPPLIES INC
PMP	760		9045 E PIMA CENTER PKWY	SCOTTSDALE	AZ	85258	BIORX LLC
PMP	761		2855 SW PATTON RD A	PORTLAND	OR	97201	STROHECKERS PHARMACY INC
PMP	762	MEDBRIDGE HOME MEDICAL INC	430 WOODRUFF RD #500	GREENVILLE	SC	29607	OGLES OXYGEN LLC
PMP	763	CUSTOM PRESCRIPTIONS	1200 12TH AVE NE STE A102	BELLEVUE	WA	98004	SOUND PRESCRIPTIONS LLC
PMP	764	PHARMCO	381 VAN NESS AVE STE 1506 1509	TORRANCE	CA	90501	PHARMCO INC
PMP	765		1179 MAPLELAWN DR	TROY	MI	48084	GABECARE DIRECT INC
PMP	766		14333 S HWY 31 STE E105	GRETNA	NE	68028	VETS FIRST CHOICE LLC
PMP	767		100 KALAE HWY STE 203	KUALAPUU	HI	96757	APRIA HEALTHCARE INC
PMP	768		4 HOOK RD	SHARON HILL	PA	19079	HOMETECH ADVANCED THERAPIES INC
PMP	769		7331 E OSBORN DR #208	SCOTTSDALE	AZ	85251	CIVIC CENTER PHARMACY
PMP	770		1155 N MISSION RD	LOS ANGELES	CA	90033	MISSION ROAD PHARMACY INC
PMP	771		6914 CANBY AVE #111	RESEDA	CA	91335	PETMEDSNMORE INC
PMP	772		3900 FIFTH AVE STE 110	SAN DIEGO	CA	92103	COMMUNITY A WALGREENS PHARMACY