

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

**MINUTES OF MEETING**

Date: Thursday, July 12, 2012

Time: 1:00 p.m.

Place: Exam 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  
Jill Oliveira Gray, Public Member

Excused: Garrett Lau, Pharmacist  
Carolyn Ma, Pharmacist

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

Guests: Paul Smith, Walgreens  
Thomas Bodendorfer, Applicant  
Katie Bodendorfer  
Albert Lau, Kaiser Permanente

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 1:06 p.m.

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

The Chair excused Mr. Lau and Dr. Ma and asked the audience to introduce themselves.

**Additions and Additional Distribution**

The Chair stated that additional information submitted from Mr. Bodendorfer was distributed to the Board members as additional distribution.

**Approval of the Previous Minutes – June 21, 2012 Meeting**

The Chair asked if there were any amendments to the minutes of the June 21, 2012 meeting.

Mr. Inafuku stated that on page 10, under Executive Session, change "11:15 p.m." to "11:15 a.m."

There being no further amendments, upon a motion by Ms. Kumasaka, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the minutes as amended.

Executive Officer's  
Report:

**Addition to the Regulated Industries Complaints Office ("RICO") Pharmacy Advisory Committee**

Upon a motion by the Vice Chair, seconded by Ms. Jill Oliviera Gray, it was voted on and unanimously carried to approve the addition to the RICO Pharmacy Advisory Committee.

Correspondence:

**NABP State News Roundup, June 2012**

The Chair reported on the following:

"New Delaware Tamper-Resistant Prescription Pad Guidelines Enforce to Reduce Fraudulent Prescriptions"

The Delaware Board of Pharmacy reported that effective March 1, 2012, Delaware-licensed prescribers are required to use Delaware-specific tamper-resistant prescription forms for all written prescriptions. This requirement is an attempt to reduce the number of unauthorized and fraudulent prescriptions processed in the state. Some of the security features include "Delaware Security Prescription" watermark in coin-reactive ink, thermographic imprint and "void" pantograph. It was also noted that the new guidelines do not apply to prescriptions generated via facsimile, e-prescriptions, verbal prescriptions, prescriptions written before March 1, 2012 and prescriptions written by out-of-state providers or Veteran Administration practitioners prescribing for VA patients.

"Kansas Board Reports Revisions Related to the Pharmacy Practice Act and K-TRACS"

Effective July 1, 2012, pharmacist may provide up to a three-month supply of a prescription drug that is not a CS or psychotherapeutic drug when a practitioner has written a drug order to be filled with a smaller supply but included sufficient numbers of refills for a three-month supply.

"Tennessee Board Reminds Health Related Boards Applicants on Criminal Background Check Requirements"

A background check is required before any person who will be providing direct patient care is hired. Health care facilities, emergency medical services and individual health professionals are required by law to conduct background checks using the state sex offender registry, the state abuse registry and other abuse registries for states in which the prospective employee has lived in the previous seven years. The background check may have to be repeated every time an employer changes.

**NCPA Guide to Supreme Court Ruling on Health Reform Lau...Impact on Community Pharmacy of Supreme Court Decision to Uphold Affordable Care Act (ACA)**

A copy of the guide was distributed to the Board members for their information only.

### **Shipping Prescription Medications to Dialysis Patients**

The Chair asked Mr. Inafuku to lead the discussion on this inquiry.

Mr. Inafuku read the email from Tony J. Park:

"My client is a registered out-of-state pharmacy who specializes in servicing the needs of kidney dialysis patients.

As part of its overall prescription services offered, it would like the option of shipping prescription medications to dialysis patients that want the convenience of having all their medications shipped and stored in the dialysis clinic that they visit multiple times every week.

Is this practice acceptable to the Board?"

Mr. Inafuku stated that he would like clarification on what Mr. Park means by "prescription medications".

The Vice Chair stated that this is similar to a previous inquiry and the Board determined that the drugs can only be dispensed to the patient or person authorized to receive the drug but not to a business or entity. He also stated that by dispensing it to the dialysis clinic, the pharmacist may not be able to counsel the patient.

The Chair stated that he thought the previous inquiry was different because one pharmacy wanted to send drugs to a clinic for different patients so that the patient could pick up their prescription drugs from the clinic.

The Vice Chair stated that the definition of "dispensing" only allows the patient or individual entitled to receive the drug.

Mr. Inafuku stated that the definition of "dispensing" refers to labeling and packaging of a dispensed drug.

The EO read the definition of "dispense" as stated in HAR 16-95-2, "means the furnishing of drugs pursuant to a prescription in a suitable container, appropriately labeled for subsequent administration to, or use by a patient or other individual entitled to receive the drug."

After further discussion, it was the consensus of the Board to request clarification on what Mr. Park is referring to when he states in his email inquiry that they wish to "ship" prescription medications to the dialysis patients to the dialysis clinic where it would be stored. Is he referring to "distribution" of prescription drugs to be dispensed by the dialysis clinic or "dispensing" a prescription drug, pursuant to a valid prescription, that is contained in an appropriate labeled (patient specific) container.

Old Business:

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

The EO reported that she is still working on the justification.

**Approved APRN-Rx for Controlled Substances – Joint Meeting with the Board of Nursing**

The Chair reported that the joint meeting with representatives from the Board of Nursing was held earlier today at which time the group agreed to come out with a guidance document for both pharmacists and nurses with prescriptive authority that would include the law changes to the nursing practice act affecting nurses with prescriptive authority, a list of the advance practice registered nurse specialties, and instructions on how to verify a nurse with prescriptive authority for controlled substances. The group wanted the information disseminated to all pharmacies and nurses with prescriptive authority.

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

The EO stated that she has been unable to complete the research on the NCPDP, DEA and NED process due to other priorities.

Open Forum:

The Chair stated that he received a letter from the American Veterinary Medical Association ("AVMA") regarding concerns they have with pharmacist counseling and educating owners of animals when filling a prescription and that this should include verification with the prescribing veterinarian and requested that the EO contact the AVMA to find out if they are aware of any instances that occurred in Hawaii so that they can be specifically addressed.

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 1:58 p.m., upon a motion by Mr. Inafuku, seconded by the Vice Chair, 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 3:39 p.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.

Pharmacist

**Thomas Bodendorfer – Request for Reconsideration**

Upon a motion by Mr. Inafuku, seconded by Ms. Kumasaka, it was voted on and unanimously carried to grant Mr. Bodendorfer's request for reconsideration.

Upon a motion by the Vice Chair, seconded by Ms. Kumasaka, it was voted on and unanimously carried to defer decision making on Mr. Bodendorfer's application to the August 16, 2012 meeting so that the Board members can review the additional information submitted by Mr. Bodendorfer.

**Carole Golden**

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

**Suzanne McClelland – Removed from Agenda**

Miscellaneous Permit

**RX Remote Solutions, Inc.**

Ms. Oliviera Gray moved to deny the application for RX Remote Solutions, Inc. The Vice Chair seconded the motion, the Chair called for a vote with Ms. Oliviera Gray and the Vice Chair voting yes, the Chair and Mr. Inafuku voting no and Ms. Kumasaka undecided. The motion did not carry.

Mr. Inafuku stated that in the past the Board approved a miscellaneous permit without a particular pharmacist.

After some discussion, upon a motion by Mr. Inafuku, seconded by the Chair, it was voted on and unanimously carried to approve a conditional miscellaneous permit for RX Remote Solutions, Inc. subject to documented evidence that a new PIC is designated. This approval does not include Robert Brower, the current PIC and that any pharmacist employed with RX Remote Solutions, Inc. who will be performing remote order entry, must be a Hawaii licensed pharmacist.

**Wells Pharmacy Network LLC (PMP 773) – New PIC, Gary G. Koesten**

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve Mr. Koesten as the new PIC for Wells Pharmacy Network LLC, PMP 773.

Chapter 91, HRS,  
Adjudicatory Matters:

At 3:40 p.m. the Chair called for a recess from the Board's meeting to discuss and deliberate on the following adjudicatory matter, pursuant to Chapter 91, HRS:

**In the Matter of the Pharmacy Miscellaneous Permits of NextRx, Inc., fka Precision Rx; PHA 2010-39-L; Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order; Appendix "1"**

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

Next Meeting:

Thursday, August 16, 2012  
9:00 a.m.  
King Kalakaua Conference Room  
King Kalakaua Building, First Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Ms. Kumasaka and Dr. Oliviera Gray stated that they would not be able to attend the August 16, 2012 meeting.

Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 3:51 p.m.

Taken and recorded by:

/s/ Lee Ann Teshima  
Lee Ann Teshima  
Executive Officer

7/13/12

[ ] Minutes approved as is.

[ X] Minutes approved with changes; see minutes of 8/16/12

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

**PHARMACIST LICENSE as of August 2, 2012**

<u>LIC</u>		
<u>LTYPE</u>	<u>NUM</u>	<u>BP NAME PART 1</u>
PH	3360	TRACY K <TOY<
PH	3361	SHELBY M <MIZUMOTO<
PH	3362	ALEXANDRA M <PEREZ<
PH	3363	AMY E <HARVEY<
PH	3364	AMY H <SONG<
PH	3365	LAURA A <GARZA<
PH	3366	BRIAN K <NIIMI<
PH	3367	LESLIE A <RODRIGUEZ<
PH	3368	EMILY A <SPARKS<
PH	3369	JONATHAN V <DOSS<
PH	3370	JENNIFER L <MATTOON<
PH	3371	JANA K <ENOKAWA<
PH	3372	PAULA M <HEDIN<
PH	3373	SEFERINA K <MILEY<
PH	3374	STACIE E <KUKINO<
PH	3375	KELLY P L <KWOK<
PH	3376	CINDY <TRINH<

**PHARMACY INTERN PERMIT as of August 2, 2012**

<u>LIC</u>		
<u>LTYPE</u>	<u>NUM</u>	<u>BP NAME PART 1</u>
PHI	3205	SARA S <KUMUSAKA<
PHI	3206	CHELSIE H <NEVES<
PHI	3207	DIANE M <BANET<
PHI	3208	ALYCIA M <HATASHIMA<
PHI	3210	ERIN M <YAMASAKI<
PHI	3211	WILDER M <MCANDREWS<
PHI	3212	KAILANI B <NAKANISHI<
PHI	3213	KIMBERLY K <HO<
PHI	3214	PHUNG C <DANG<
PHI	3215	LAUREN H <OOKA<
PHI	3216	DALJINDER K <SIDHU<
PHI	3217	LINDA <TRINH<
PHI	3218	KIM N <TRAN<
PHI	3219	NICOLE M <WILSON<

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

**PHARMACY MISCELLANEOUS PERMIT as of August 2, 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	788		3951 HAVERHILL RD N #120-121	WEST PALM BEACH	FL	33417	UNITED PHARMACY LLC
PMP	789		4545 E CHANDLER BLVD #100	PHOENIX	AZ	85048	FOOTHILLS PROFESSIONAL PHARMACY LT
PMP	790	TRUAX PATIENT SERVICES	602 BELTRAMI AVE NW STE 105	BEMIDJI	MN	56601	BRIAN W <TRUAX<
PMP	791	DAILYMED PHARMACY	9320 PRIORITY WAY WEST DR	INDIANAPOLIS	IN	46240	MEDICAL ADHERENCE SOLUTIONS LLC
PMP	792	BROADWAY APOTHECARY	1515 OAK ST	EUGENE	OR	97401	TRINITY COMPOUNDING PHARMACY INC
PMP	793		1831 COMMERCE ST STE 104	CORONA	CA	92880	ACCREDO HEALTH GROUP INC