

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

MINUTES OF MEETING

Date: Thursday, September 20, 2012

Time: 9:00 a.m.

Place: King Kalakaua Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Members Present: Patrick Adams, Pharmacist, Vice Chair
Garrett Lau, Pharmacist
Carolyn Ma, Pharmacist
Jill Oliveira Gray, Public Member

Excused: Mark E. Brown, Pharmacist, Chair
Todd Inafuku, Pharmacist
Lydia Kumasaka, Public Member

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

Guests: Jason Okazaki, UH Hilo College of Pharmacy
Marcella Chock, Hawaii Pharmacist Association ("HPhA")
Nicole Pagayo ("HPhA")
Paul Smith, Walgreens
Albert Lau, Kaiser Permanente
Greg Edwards, DOH Food & Drug Branch
Dexter Mer, Ohana Health Plan
Keali'i S. Lopez, DCCA, Director

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 Vice Chair called the meeting to order at 9:00 a.m.

Vice Chair's Report: None

The Vice Chair excused Mr. Inafuku, the Chair and Ms. Kumasaka and asked the audience to introduce themselves.

DCCA Director Keali'i S. Lopez introduced herself and addressed the board. She expressed her appreciation for the board members and realizes the commitment it takes to be a member as it takes time away from their regular jobs. She stated that she understands the license is a privilege to practice and that the role of the board is to protect the consumer and that she understands there is a "balance" when considering disciplinary action against a licensee which may result in taking away that license to practice.

Director Keali'i also reminded the board members of the October 2012 orientation and its purpose is to let board members know the responsibility they have taken onto themselves.

The Vice Chair responded to Keali'i Lopez that he appreciates the orientation and he understands how important their jobs are. He commended Lee Ann Teshima and Stephen Levins on their work with the board.

Additions and Additional Distribution

The Vice Chair announced that additional information from Jodi Miller, agenda item 8.c. was distributed to the members as additional distribution.

Approval of the Previous Minutes – August 16, 2012

The Vice Chair called for a motion to approve the minutes of the August 16, 2012 meeting.

There being no amendments or discussion, upon a motion by Dr. Ma, seconded by Dr. Oliveira Gray, it was voted on and unanimously carried to approve the minutes of the August 16, 2012 meeting.

The Vice Chair called for a motion to approve the July 12, 2012 Executive Session minutes.

There being no amendments or discussion, upon a motion by Mr. Lau, seconded by Dr. Oliveira Gray, it was voted on and unanimously carried to approve the July 12, 2012 Executive Session minutes.

Executive Officer Report: 2013 Board Meeting Schedule

The Vice Chair called for a motion to approve the 2013 Board Meeting Schedule.

There being no amendments or discussion, upon a motion by Dr. Ma, seconded by Mr. Lau, it was voted on and unanimously carried to approve the 2013 Board Meeting Schedule.

The EO also introduced the Board's new secretary, Lisa Kalani.

Correspondence: **National Association of Boards of Pharmacy ("NABP")**

NABP State News Roundup, August 2012

The Chair reported on the following:

- "Maryland Board Reports New Legislation Related to Prescription Drug Programs, Vaccine Administration, and Drug Therapy Management"

The Maryland Board of Pharmacy reported that effective October 1, 2011, they have amended its laws to: 1) Expand the purpose of return of prescription drugs and medical supplies to a pharmacy for the purpose of proper drug disposal; 2) Authorizes a pharmacist to administer an influenza vaccine to an individual who is at least nine years old; and 3) requires nonresident pharmacies and wholesale drug distributors to have a pharmacist on staff that is licensed by the Board and who is designated as the pharmacist responsible for providing pharmaceutical services to patients in the state.

- "Missouri Board Grants Pharmacists Authority to Perform Medication Therapy Services"

Effective August 31, 2012 the Missouri Board of Pharmacy granted pharmacists the authority to perform medication therapy services.

- "Ohio Organization Works to Resolve Safety Concerns with Electronic Prescriptions"

The Ohio State Board of Pharmacy has been actively involved with Ohio Health Information Partnership (OHIP). Their goal is to increase the utilization of e-prescribing and the adoption of health information exchanges in Ohio. OHIP and the Board are working on capturing the main safety issues that can go along with e-prescribing such as drop-down errors for wrong sig, drug, prescriber, and patient.

"Idaho State Board of Pharmacy new area of registration is termed – Prescriber Drug Outlet"

The Idaho State Board of Pharmacy announced a new area of registration for "Prescriber Drug Outlets" which is defined as "A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples."

"Kentucky Board of Pharmacy - Requirements of HB 1"

The Kentucky Board of Pharmacy reported that new legislation passed during the 2012 Special Session requires: 1) All new applicants (pharmacist) submit to a criminal background investigation by means of fingerprint and query to the National Practitioner Data Bank; 2) The pharmacist-in-charge will be responsible for filing a report with the board of a theft or loss of controlled substances; and 3) Other regulations in regards to the handling, dispensing and tracking of controlled substances.

"Oregon Board of Pharmacy – No. 509 Veterinary Prescriptions"

The Oregon Board of Pharmacy reported on the increasing number of veterinarian's concerns that some community pharmacists have changed veterinary prescriptions such as directing the veterinary client to a different drug, changing the prescribed dosage, or advising the client to lower a drug's dosage.

The EO reported that she has met with a representative of the Board of Veterinary Examiners and the association who also expressed similar concerns with pharmacies in this State and stated that the pharmacy laws and rules also apply to prescriptions for an animal

and that pharmacists should treat prescriptions written by veterinarians the same as if written by a licensed physician. She further stated that any reports of a pharmacist failing to comply with the pharmacy laws and rules for filling a prescription will be reported to the Regulated Industries Complaints Office for investigation and appropriate action.

"West Virginia Board of Pharmacy – Board of Pharmacy Regulations Regarding Pharmacy Interns"

The West Virginia Board of Pharmacy put out a reminder that with the advent of a third school of pharmacy in the state of West Virginia, more pharmacies will be approached by students seeking internships and that it is important for the pharmacists to know and understand the laws and rules relating to pharmacy internships before hiring the student.

License Requirements for Replacement Supplies and Accessories for Ventricular Assist Devices to Patients in Hawaii.

The Vice Chair asked Dr. Ma to lead the discussion on the inquiry from Thoratec Corporation in which they ask if they are subject to any licensure requirements in Hawaii. They claim to be a specialty supplier that provides replacement accessories and supplies, of which a majority are considered prescription items, to patients, pursuant to a physician's prescription, who have a Ventricular Assist Device (VAD).

Dr. Ma stated that it appears that a miscellaneous permit as an out-of-state pharmacy would be required.

It was the consensus of the Board that based solely on the information provided, that a miscellaneous permit as an out-of-state pharmacy would be required to dispense prescription medical devices directly to the end user/patient residing in this State.

This is an informal interpretation based solely on the information provided and if for informational and explanatory purposes only and is not an official opinion or decision and therefore, not to be viewed as binding on the Board.

In-State and Out-of-State Intracompany Prescription Transfer Requirements/Regulations

The Board reviewed an email inquiry regarding intracompany transfer of stock bottles of prescription drugs. According to Mr. Rickert, he is aware of the Board's determination at their August 16, 2012 meeting in which the Board decided that a pharmacy could distribute a stock bottle to a clinic under common control since this was an exemption under the definition of "wholesale distribution" in Hawaii Administrative Rules ("HAR") §16-95-2, however wanted further clarification to the Board's previous decision.

Mr. Rickert ask, "May a Pharmacy transfer a stock bottle of drugs to another pharmacy under common ownership without a wholesale license?"

The Vice Chair stated that he does not believe this is the same situation as the August inquiry because this is a transfer between two pharmacies, whereas the prior inquiry was between a pharmacy and a clinic (no pharmacy).

Mr. Lau stated that this situation may fall under HAR §16095-2(5) under the definition of "Wholesale distribution", the exemption for the sale, purchase, or trade of a drug, for "emergency medical reasons", to another pharmacy...except the transfer shall not exceed 5% of the total prescription drug sales of either pharmacy during any period of 12 consecutive months.

Mr. Rickert's second question, "May a pharmacy receive a stock bottle of drugs from an out-of-state pharmacy that does not have a wholesale permit but is under common ownership with the receiving pharmacy?"

The Vice Chair stated that he believes the out-of-state pharmacy would be subject to the above mentioned section and would also be required to obtain a miscellaneous permit as an out-of-state pharmacy pursuant to Hawaii Revised Statutes §461-15(a)(7).

It was the consensus of the Board to respond to Mr. Rickert's inquiry as indicated above and to also inform him that the dispensing or distribution of any controlled substances falls under the authority of the Department of Public Safety, Narcotics Enforcement Division.

This is an informal interpretation based solely on the information provided and if for informational and explanatory purposes only and is not an official opinion or decision and therefore, not to be viewed as binding on the Board.

License Requirements for Unmanned Warehouse for Storage of Durable Medical Equipment and Oxygen Company

The Vice Chair asked Dr. Oliveira Gray to lead the discussion on the inquiry from Penny Lohman asking if the Board allows "unmanned" warehouses, located in Hawaii, to store DME items and oxygen, required to be licensed?" If so, what are the license requirements?

After some discussion it was the consensus of the Board to respond to the inquiry as if they were referring to prescription medical devices and medical oxygen:

- If the entity is "dispensing" prescription medical devices, then a wholesale distributor license would be required.
- If the entity is "dispensing" medical oxygen from that location, then a miscellaneous permit would be required pursuant to HRS §461-15(a)(5).
- If the entity is "distributing" medical oxygen from that location, then a wholesale distributor license would be required.
- If the entity is both "dispensing" and "distributing" medical oxygen, then a wholesale distributor license would be required.

This is an informal interpretation based solely on the information provided and if for informational and explanatory purposes only and is not an official opinion or decision and therefore, not to be viewed as binding on the Board.

Are Pharmacy Interns Allowed to Take Verbal Prescriptions Over the Phone

The Board reviewed and discussed the question, "Are pharmacy assistants (interns) able to take verbal prescriptions over the phone?"

After some discussion, it was the consensus of the Board that a pharmacy intern, who is permitted by the Board, may be allowed to take verbal prescriptions over the phone provided they have been delegated and is immediately supervised by a licensed pharmacist.

This is an informal interpretation based solely on the information provided and if for informational and explanatory purposes only and is not an official opinion or decision and therefore, not to be viewed as binding on the Board.

Old Business:

HAR Title 16, Chapter 95 – Status Report

The Executive Officer reported she is still working on the rules.

APRN-Rx for Controlled Substances – Status Report on Guidance Document

The EO reported that a draft was recently emailed to the representatives for feedback.

Dr. Ma suggested the Board seek the assistance of the Hawaii Pharmacists Association to help distribute the information.

Open Forum:

The Vice Chair asked the audience if they wanted to discuss with the Board.

Dr. Ma asked if a pharmacist is providing immunizations to minors between the ages of 14-17 but is not in or affiliated with a pharmacy how will we know.

The EO explained that she is only posting information on pharmacists who are affiliated with a pharmacy on the Board's web page and recommended that the Board discuss this at the next meeting.

Applications:

Ratification List

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

Chapter 91, HRS, Adjudicatory Matters:

At 10:10 a.m. the Vice 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 Pharmacist's License of Dennis R. Birk, PHA 2008-38-L, Compliance with Board's Final Order

Upon a motion by Dr. Ma, seconded by Mr. Lau, it was voted on and unanimously carried to accept the information regarding respondent's compliance with the WRAPP program and to request clarification, that includes official documentation, regarding respondent's Phase III treatment.

**In the Matter of the Pharmacist's License of Huong Nguyen Tran, PHA 2010-28-L,
Compliance with Board's Final Order and Consideration of Respondent's Request to
Change Status of License to Terminated.**

Upon a motion by Dr. Ma, seconded by Mr. Lau, it was voted on and unanimously carried to recognize the payment of the fine by the respondent and to return respondent's license status.

**In the Matter of the Pharmacist's License of Jodi M. Miller, PHA 2008-11-L, Affidavit of
Denise P. Balanay; Exhibits "1" – "3"**

Mr. Lau recused himself.

Due to lack of quorum, this matter was deferred.

Following the Board's review, deliberation and decision on these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Board was reconvening its scheduled meeting at 10:21 a.m.

Next Meeting: Thursday, October 18, 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 Vice Chair adjourned the meeting at 10:25 a.m.

Taken and recorded by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

8/31/12

[] Minutes approved as is.
[x] Minutes approved with changes; see minutes of 10/18/12

LTYPE	LIC	NUM	BP	NAME	PART	1
PH		3377		CHELSEA N	<SUZUKI<	
PH		3378		RAJIVKUMAR V	<DHINGRA<	
PH		3379		GALEN C	<MORAKIS<	
PH		3380		SALLY T	<VAN<	
PH		3381		MEGAN C	<VENEGAS<	
PH		3382		BONNIE M	<BENNETT<	
PH		3383		WENDY A	<YAMASAKI-HERRING<	
PH		3384		JENNA M	<FUJIMOTO<	
PH		3385		JAMES M	<HARSCH<	
PH		3386		ALLISON A	<YAMASHIRO<	
PH		3387		SON NAM H	<NGUYEN<	
PH		3388		MENG FEI	<LEE<	
PH		3389		RICHELLE Y	<HIRATA<	
PH		3390		ALICE S H	<HWANG<	
PH		3391		MARINA	<YEH<	
PH		3392		MICHELLE K	<KUNITA<	
PH		3393		ERIC R K	<LUM<	
PH		3394		LINDSEY R	<MASUDA<	
PH		3395		CHAZ K	<BARIT<	
PH		3396		CYRUS K	<TUMBAGA<	
PH		3397		DANIEL K	<LOO<	
PH		3398		KAYSE-ANN R N	<GRAHAM<	
PH		3399		WENDY K K	<WONG<	
PH		3400		SHAWN J	<BJORNDAL<	
PH		3401		HENRY V	<TRAN<	
PH		3402		AARON C	<CHUN<	
PH		3403		LYNN T	<TRAN<	
PH		3404		JACOB K	<BLAIR<	
PH		3405		AMBER R	<SULLIVAN-FRIEZNER<	
PH		3406		TONY C	<SIMON<	
PH		3407		CHRISTOPHER S	<SAKANOI<	
PH		3408		KYLE T	<HIGUCHI<	

LTYPE	TEMP	LIC	NUM	VAM_BPR_LEGAL_NAME_1
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PHI	3221			ABBIE S <WILLIAMS<
PHI	3233			MIA B <ASMER<
PHI	3228			LISA M <MONKS<
PHI	3226			SHAUN T <STEPHENS<
PHI	3232			CARINA K <WOLF<
PHI	3222			KELLY <MCDONALD<
PHI	3224			ELIZABETH S <DEMAROIS<
PHI	3225			BURRELL J <RICHARDS<
PHI	3227			ELI J <DAILEY<
PHI	3230			THUY TRAM L <NGUYEN<
PHI	3231			KRYSTINA K <TAKUSHI<
PHI	3229			JASMINE M <KNIGHT<
PHI	3220			BRENDEN R <WHITT<
PHI	3234			LUIS J <CARAGAN<
PHI	3223			BRITTANY C <LEE<

<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	794	FRESENIUS MEDICAL CARE NORTH AMERICA	549 SAND SAGE RD NW	LOS LUNAS	NM	87031	FRESENIUS USA MANUFACTURING INC
PMP	795	BRIDGEPORT PHARMACY SERVICES	7424 BRIDGEPORT WAY W STE 109	LAKEWOOD	WA	98499	EVERGREEN PHARMACEUTICAL LLC
PMP	796		1700 ALBANY PL SE	ORANGE CITY	IA	51041	REVIVAL ANIMAL HEALTH
PMP	797		1210 SW 33RD AVE	OCALA	FL	34474	WELLS PHARMACY NETWORK LLC
PMP	798		10525 HUMBOLT ST	LOS ALAMITOS	CA	90720	CUSTOM COMPOUNDING CENTERS LLC
PMP	799	TRIAD COMPOUNDING PARMACY	11090 E ARTESIA BLVD STE H	CERRITOS	CA	90703	ARTESIA PHARMACY INC
PMP	800		2700 STANLEY GAULT PKWY #103	LOUISVILLE	KY	40223	DERMATRAN HEALTH SOLUTIONS LLC