

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

MINUTES OF MEETING

Date: Thursday, November 15, 2012

Time: 9:00 a.m.

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

Members Present: Patrick Adams, Pharmacist, Vice Chair
Todd Inafuku, Pharmacist
Lydia Kumasaka, Public Member
Carolyn Ma, Pharmacist

Excused : Mark E. Brown, Pharmacist, Chair
Garrett Lau, Pharmacist
Jill Oliveira Gray, Public Member

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

Guests: Raphael del Acostillo, HSFH
Mihoko Ito, Ashford & Wriston
Marcella Chock, Hawaii Pharmacist Association ("HPhA")
Fred Cruz, Careplus/CVS
Newton Chu, Torkildson, Katz, Moore, Hetherington & Harris
Albert Lau, Kaiser Permanente
Lyell Hirashiki, Kaiser Permanente
Greg Edwards, Dept. of Health, Food and Drug Branch
Mark Gregory, Medical Center Pharmacy
Dexter Mar, Ohana Health Plan
Keiko Hiraoka, Lilly

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 9:07 a.m. and excused the Chair, Mr. Lau and Ms. Oliveira Gray.

Vice Chair's Report: **Announcements and Introductions**

The Vice Chair asked the audience to introduce themselves.

Additions/Additional Distribution to Agenda

The Vice Chair stated that the following agenda items had additional distribution:

9. Applications
 - b. Applications
 - 1) Miscellaneous Permit
 - i. 4th Street Pharmacy Inc., dba Compounding Pharmacy
10. Chapter 91, HRS, Adjudicatory Matters
 - a. In the Matter of the Pharmacist's License of Dennis R. Birk, PHA 2008-38-L
 - b. In the Matter of the Pharmacist's License of Dennis R. Birk, PHA 2008-38-L
 - c. In the Matter of the Pharmacist's License of Timothy P. Barton, PHA 2010-49-L

Approval of the Previous Minutes – October 18, 2012

The Vice Chair called for a motion to approve the minutes of the October 18, 2012 meeting.

Mr. Inafuku stated that on:

- page 3, under the Executive Officer's Report, the last line in the first paragraph should read, "...administer immunizations at a wellness or health fair, not limited to within the premises of a pharmacy.";
- page 5, under Meningitis Outbreak, in the third line in the first paragraph, the word should read "methylprednisolone"; and
- page 6, on the top of the page, add the following statement, "Mr. Inafuku stated he is okay with deleting repeal date; however there is no reinstating of a report by the Board to the legislature of licensed remote dispensing facilities".

There being no further amendments or discussion, upon a motion by Dr. Ma, seconded by Ms. Kumasaka, it was voted on and unanimously carried to approve the minutes of the October 18, 2012 meeting as amended.

Executive Officer's Report:

None.

Laws and Rules Committee Report:

Mr. Inafuku reported that the Laws and Rules Committee continued their discussion on the following at their meeting this morning:

- The use of the term "prescription" throughout the chapter to determine if the use of the term was consistent with the definition;
- Reviewed language for a pharmacist diversion program;
- Discussed the "categories" under section 461-15 Miscellaneous permits and discussed whether a category should be added to address durable medical equipment providers; and
- Continued discussion on prescriptions left on a voicemail or answering machine and whether it is considered an "oral" prescription. The Committee decided to have this issue addressed/discussed at the December Board meeting.

Correspondence: **National Association of Boards of Pharmacy (“NABP”)**

The Vice Chair reported on the following:

NABP State News Roundup, October 2012

- “Louisiana” reported that there is a current need to strengthen the existing repackaging response plans and increase the pool of professional volunteers dedicated to ensuring the timely preparation of individual antibiotic regimens for their first responders. It is for this purpose that DHH-OPH is soliciting pharmacist and technician volunteers.
- “Minnesota” Board of Pharmacy adopted rule changes that substantially amended Minnesota Rules 6800.0359 related to pharmacy license categories. Effective July 1, 2012, an initial or renewed license issued by the Board shall list each license category for which the pharmacy has received Board approval. In addition, a pharmacy must notify the Board if the pharmacy no longer provides services in a license category for which it was previously approved.
- “Minnesota” Board of Pharmacy will also be implementing a new Pharmacy Technician training requirement effective January 1, 2014. The Board will not renew the registration of a pharmacy technician who was initially registered after January 1, 2013, or who was initially registered prior to that date but did not maintain continuous registration, unless the individual has completed a pharmacy technician training program.
- “North Carolina” reported that in the last decade they have seen deaths from accidental overdose (OD) more than triple, and most such deaths were related to prescription opioids. Community Care of North Carolina (CCNC), via the Chronic Pain Initiative (CPI) has the goal of engaging health care professionals and communities to take steps to stem this rising tide of opioid OD deaths. Given that pharmacists are highly visible and community-focused professionals, and that most prescription opioids initially enter the supply chain via the pharmacy route, CCNC believes that proactive pharmacist engagement is critical to beginning to successfully address the issue of improving appropriate use of these drugs.
- “Washington’s” Prescription Monitoring Program (PMP) is now fully operational and available for prescribers, pharmacists, and other licensed health professionals to use. Prescription Review began collecting data in October 2011, and as of August 29, 2012, the system had almost 11 million records and over 9,700 health providers have registered for and received access. The Washington State Department of Health encourages providers to use this new system to provide improved patient care and help prevent prescription drug misuse.

Question Regarding Central Fill Pharmacies

The EO reported that she sent an email after the last Board meeting since the Board wanted more information before responding to the inquiry, however, no response has been received.

The Board deferred this matter.

Pharmacy Support Services from a Mainland Facility

Mr. Inafuku recused himself.

The EO stated that since Mr. Inafuku is recusing himself, the Board is unable to render a decision on this matter due to lack of quorum, however, the Board may "discuss" the matter and will defer to the December meeting.

The Vice Chair stated that this matter was deferred from the October meeting for more information and that a letter from Mr. Newton Chu was subsequently submitted, clarifying the inquiry and understands that Mr. Chu is present to address the Board.

Mr. Chu introduced himself and Mr. Fred Cruz and apologized for any confusion for his original inquiry. He clarified the "workflow" scenario that would include both in-state and out-of-state pharmacies and pharmacists and that the pharmacists working in the out-of-state pharmacies would also hold a Hawaii pharmacist license and that all prescription drugs would be dispensed from the in-state pharmacy.

He explained that the pharmacies would have access via a LINKS system and that the out-of-state pharmacies, who would hold a Hawaii miscellaneous permit as an out-of-state pharmacy would be utilized to assist the local pharmacy by reviewing/verifying/adjudicating the prescriptions before they are filled and dispensed by the in-state pharmacy.

The Vice Chair stated that if the pharmacy who receives the prescription is dispensing the drug, then a prescription transfer may not be required.

The Board could not provide a decision on this matter due to lack of quorum so the matter was deferred.

Old Business:

HAR Title 16, Chapter 95 – Status Report

The Executive Officer reported she is still working on the justification for the proposed amendments to the rules.

Open Forum:

Mr. Inafuku stated that he attended the NABP District Meeting but did not represent the Board.

Applications:

Ratification List

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

Executive Session: At 9:48 a.m., upon a motion by Ms. Kumasaka, 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 10:03 a.m. upon a motion by Dr. Ma, seconded by Mr. Inafuku, it was voted on and unanimously carried to move out of executive session.

Chapter 91, HRS,
Adjudicatory Matters:

At 10:03 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 Mr. Inafuku, seconded by Dr. Ma, it was voted on and unanimously carried to request more information from the respondent before the Board could consider approval of respondent's monitoring program.

In the Matter of the Pharmacist's License of Jodi M. Miller, PHA 2008-11-L, Affidavit of Denise P. Balanay; Exhibits "1" – "3" – Deferred from September 18, 2012 Meeting

Upon a motion by Dr. Ma, seconded by Mr. Inafuku, it was voted on and unanimously carried to accept the monitor's report for the period covering July – October 2012.

In the Matter of the Miscellaneous Permit of Humana Pharmacy, Inc., dba Rightsource, PHA 2010-32-L, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

Upon a motion by Dr. Ma, seconded by Mr. Inafuku, it was voted on and unanimously carried to accept the Board's Final Order.

In the Matter of the Miscellaneous Permit of Humana Pharmacy, Inc., dba Rightsource, PHA 2011-21-L, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

Upon a motion by Dr. Ma, seconded by Ms. Kuamasaka, it was voted on and unanimously carried to accept the Board's Final Order.

In the Matter of the Pharmacist's License of Timothy P. Barton, PHA 2010-49-L, Settlement Agreement After Filing of Petition for Desciplinary Action and Board's Final Order, Exhibit "1"

Upon a motion by Mr. Inafuku, seconded by Mr. Kumasaka, 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 Vice Chair announced that the Board was reconvening its scheduled meeting at 10:20 p.m.

Applications:

Applications

Miscellaneous Permit

It was the consensus of the Board to defer the following application:

4th Street Pharmacy Inc. dba University Compounding Pharmacy

Upon a motion by Dr. Ma, seconded by Mr. Inafuku, it was voted on and unanimously carried to deny the following application based on their encumbered Texas pharmacy license pursuant to HRS §461-15(a)(7):

Red River Pharmacy Services

Pharmacy

Upon a motion by Mr. Inafuku, seconded by Dr. Ma, it was voted on and unanimously carried to approve the following application:

Cardinal Health 414, LLC

Next Meeting:

Thursday, December 20, 2012
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

The Vice Chair stated that he would not be available for the December meeting.

Adjournment:

With no further business to discuss, the Vice Chair adjourned the meeting at 10:27 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Lee Ann Teshima
Lee Ann Teshima,
Executive Officer

/s/ Lisa Kalani
Lisa Kalani,
Secretary

11/5/12

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

LTYPE	LIC NUM	LIC NAME PART 1	BUSN ADDR 1	BUSN CITY	BUSN		BP NAME PART 1
					ST	BUSN ZIP	
PMP	802		450 US HWY 51 BYPASS N	DYERSBURG	TN	38024	WELLS PHARMACY NETWORK LLC
PMP	803		7142 N UNIVERSITY DR	TAMARAC	FL	33321	PEOPLE'S CHOICE PHARMACY LLC
PMP	804		115 B MAIN ST	SUMMERTON	SC	29148	SUMMERTON DRUGS COMPOUNDING AND DI
PMP	805	SINUS DYNAMICS PHARMACY	755 LAKEFIELD RD UNIT D	WESTLAKE VILLAGE	CA	91361	SINUTOPIC INC

LTYPE	LIC NUM	LIC NAME PART 1	BUSN ADDR 1	BUSN CITY	BUSN		
					ST	BUSN ZIP	BP NAME PART 1
PWD	161		99-940 IWAENA ST STE C	AIEA	HI 96701	HAWAII MEGA-COR INC	

LTYPE	LIC NUM	BP NAME PART 1
PH	3432	NOEL K <PAHIO<
PH	3433	DONALD J <STINSON<
PH	3434	KATHERINE J <ANDERSON<
PH	3435	PATRICK M <UYEMOTO<
PH	3436	CATHLEEN M S <KIYOTA<
PH	3437	SCOTT A <MAZZA<
PH	3438	AIMEE D <ALOIAU<
PH	3439	THOMAS <EDMONS<
PH	3440	HENRY <FONG<
PH	3441	CARL A <HARTING<
PH	3442	BRADLEY K <MIYASHIRO<
PH	3443	STACEY E <MURAKAMI<
PH	3444	KARI K <KURIHARA<
PH	3445	DANIELLE A <LEE<
PH	3446	PAUL S H <KIM<
PH	3447	SUNG JIN <CHOI<
PH	3448	DAVID S <HWANG<
PH	3449	IDRIS <ABDUL-AHAD<

LTYPE	TEMP	LIC	NUM	VAM_BPR_LEGAL_NAME_1
PHI	3242			CARRIE J <ALDERMAN<
PHI	3248			SITA M <SHABLACK<
PHI	3247			TYLER J <WHALEY<
PHI	3245			KATSTARYNA <MAROZ<
PHI	3246			MAI-ANH J <NGUYEN<
PHI	3243			MARIE F <HORNER<
PHI	3244			DIANNE K T <FEIGENSPAN<

LTYPE	LIC NUM	LIC NAME PART 1	BUSN ADDR 1	BUSN CITY	BUSN		
					ST	BUSN ZIP	BP NAME PART 1
PHY	822	WAIPAHU DRUG EXPRESS	94-837 WAIPAHU ST 2ND FLR	WAIPAHU	HI	96797	LEEWARD DRUG LIMITED
PHY	823	SAFEWAY PHARMACY #2897	91-1119 KEAUNUI DR	EWA BEACH	HI	96706	SAFEWAY INC
PHY	824	TUBERCULOSIS/HANSEN'S DISEASE CONTROL BRANCH	2385 WAIMANO HOME RD BLDG 4	PEARL CITY	HI	96782	STATE DEPT OF HEALTH