

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

**MINUTES OF MEETING**

Date: Thursday October 20, 2011

Time: 8:00 a.m.

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

Members Present: Todd Inafuku, Pharmacist, Chair  
Mark E. Brown, Pharmacist, Member  
Patrick Adams, Pharmacist, Member

Staff Present: Lee Ann Teshima, Executive Officer ("EO")  
Christine Hironaka, Secretary

Guests: Byron Yoshino, Pharmicare Hawaii

Call to Order: The Chair called the meeting to order at 8:03 a.m.

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

None.

**Approval of the Previous Minutes – September 15, 2011 meeting**

Upon a motion by Mr. Adams, seconded by Mr. Brown, it was voted on and unanimously carried to approve the minutes of the September 15, 2011 meeting.

New Business: **Discussion on Moving Forward with Board Approved Draft of HAR 95**

The Chair stated that he corrected minor typographical errors in the draft and he will combine the comments he has received for discussion at the next meeting.

Mr. Adams and Mr. Brown stated that the Board should move forward with the approved draft rules that the Board has worked on for the past two years.

The Chair stated that he took the former DAG, James Nagle's recommendations and incorporated them into the draft he is currently working on.

Mr. Yoshino suggested the committee agree to some kind of strategy to prioritize and address the key issues using a timeline.

Mr. Adams stated that he has a copy of the last approved rules draft.

The EO said she will look for the approved draft and when the draft was approved by the Board and proposed the following timeline:

1. November 17, 2011 meeting – Presentation of the justification for the approved draft rules to the committee.
2. December 2011 meeting – Presentation of the approved draft rules and justification to the Board.

The Chair stated that the committee will discuss the last Board approved draft at the next meeting.

### **Review and Discussion of “Practice of pharmacy” as defined in HRS 461-1**

The Chair reported there were comments sent in regarding the “Practice of pharmacy”.

- Section (2)(D) and (E) - The definition does not necessarily state there needs to be a collaborative agreement as a requirement for the administration of immunizations.
- Section (2)(F) – The definition is confusing regarding “authorized by a licensed physician’s written instruction...” because if you have a collaborative agreement with a physician, the collaborative agreement already spells out the instructions.
- Section (2)(H) – The portion of the definition “..based on the pharmacist’s training and for which there is no license required;” is redundant.

The EO stated that working “collaboratively” may not necessarily mean that it has to be in writing.

Mr. Adams stated that the Board clarified the definition of “collaboratively” in their October 2010 Board meeting by stating that the pharmacist could be the agent of the physician and this allowed the pharmacist to have prescribing rights with a written agreement from the physician and that “collaborative” means the pharmacist can initiate.

The Chair stated that the definition of “order” should be clarified because when a physician writes an order, it is not a prescription but the order is actually tied to the collaborative agreement.

The committee found that the definition of “order” differs in Chapters 328 and 329.

Mr. Adams stated there is actually a problem with the definition of “prescription” in the statute and “practitioner” should replace “physician” since nurse practitioners now have prescriptive authority.

The EO suggested the committee look at Chapters 328 and 329 when drafting changes to Chapters 461 and 95, to perhaps align some of the definitions.

### **Pharmacies located in Territories of the United States, District of Columbia and Military Installations – Out-of-State pharmacies?**

The Chair stated the statutes do not restrict transfer of prescriptions from out of country pharmacies.

Mr. Adams stated that the state of Washington addresses this issue in their state law and there are federal laws that regulate what a pharmacy can do over and above the state level.

The EO requested a copy of the federal regulations.

The committee deferred the discussion of prescription transfers from pharmacies located on military installations/facilities, the District of Columbia, and United States territories.

**Test of Spoken English – Requirement for Foreign Pharmacy Graduates**

The Chair asked if the Test of Spoken English is still a requirement for foreign pharmacists and would it apply to foreign pharmacy students applying to be interns.

EO stated that the only requirement for a foreign student applying for a pharmacy intern permit is to submit their Foreign Pharmacy Graduate Equivalency Certificate ("FPGEC"). However, she will check with the National Association of Boards of Pharmacy to see if there are language requirements for the issuance of the FPGEC.

Old Business:

**Laws and Rules Subcommittee Pharmacy Technician Leads – Status Report**

The Chair reported the two new pharmacy technician lead advisors, nominated by the Hawaii Pharmacists Association are Patricia Drury, who has been a certified technician since 1996, representing hospital pharmacy technicians and Mary Chinen, representing the retail pharmacy technicians has 40 years of experience.

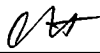
Next Meeting:

Thursday, November 17, 2011  
8:00 a.m.  
**Exam Room, #330 (New Room)**  
King Kalakaua Building, **Third Floor**  
335 Merchant Street  
Honolulu, Hawaii 96813

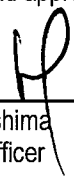
Adjournment:

With no further business to discuss, the Chair adjourned the meeting at 9:03 a.m.

Taken and recorded by:

  
\_\_\_\_\_  
Christine Hironaka  
Secretary

Reviewed and approved by:

  
\_\_\_\_\_  
Lee Ann Teshima  
Executive Officer  
11/08/11

Minutes approved as is.  
 Minutes approved with changes; see minutes of \_\_\_\_\_.