

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

MINUTES OF MEETING

Date: Thursday, November 15, 2012

Time: 8:00 a.m.

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

Members Present: Todd Inafuku, Pharmacist, Chair
Patrick Adams, Pharmacist, Member

Members Excused: Mark E. Brown, Pharmacist, Member

Staff Present: Lee Ann Teshima, Executive Officer ("EO")
Lisa Kalani, Secretary

Guests: Raphael del Acostillo, HSFH
Mihoko Ito, Ashford & Wriston
Fred Cruz, Caremark CVS

Call to Order: The Chair called the meeting to order at 8:00 a.m.

Chair's Report: **Approval of the Previous Minutes – October 18, 2012 meeting**

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

Upon a motion by Mr. Adams, seconded by the Chair, it was voted on and unanimously carried to approve the minutes of the October 18, 2012 meeting.

Old Business: **Discussion/Review of "prescription" as used in HRS 461**

The Chair recommended the following amendments:

- Page 12, under § 461-10.5(c)(1), replace the word "medication" with "drugs"; and
- Page 14, under § 461-13, add "or chart order" after the word "prescription".

The Chair also suggested removing reference to "devices" under § 461-15(a)(7) in

regards to out-of-state pharmacies.

Mr. Adams stated that he thinks it is still under Hawaii Pharmacy law.

The Chair stated that it is under the Department of Health, Chapter 328.

The EO asked where in Chapter 328 does it specifically address "devices"?

Mr. Adams suggested if it is taken out then another section needs to be created to cover "devices" because if it is removed, who will govern it?

The Chair said the Board should look at our existing license requirements and see what needs to be done to bring in "devices" from out-of-state entities.

The EO asked why would we consider criteria for only an out-of-state entity and not a local entity that is dispensing medical "devices"?

Mr. Adams recommended more discussion on the different categories under the miscellaneous permit, and possibly including a category for medical "devices".

The EO said she will research different states that regulate durable medical equipment providers.

Diversion/Impaired Practitioner or Pharmacists Program (deferred from October 18, 2012 meeting)

The Committee reviewed a draft for a pharmacist diversion program.

The Chair stated that a diversion program would allow a licensee to self report without being subject to disciplinary action, more like amnesty.

Mr. Adams recommended that the Committee discuss this further as he had concerns with monitoring, disclosure and compliance issues.

The EO stated she would research Washington's pharmacist impairment program.

Mr. Adams also recommended Louisiana's program.

**Technology – Prescriptions Left on “Voicemail” – “Oral” Prescription?
(deferred from October 18, 2012 meeting)**

The Committee continued their discussion on whether or not a prescription left on “voicemail” can be considered an “oral” prescription.

The Chair reported that some lead advisory members were concerned that a pharmacist would not be able to ask the caller questions such as the prescriber’s oral code, if a prescription was left on a voicemail. He stated that he is working with the Department of Public Safety, Narcotics Enforcement Division (“DPS-NED”) and one of the issues raised was, is the oral code necessary.

The EO asked wouldn’t the pharmacist confirm or verify any information pertaining to the prescription by calling the prescriber?

Mr. Adams stated that he would like to see the Board working with DPS-NED and even DOH in discussions or consideration of any amendments to their laws and/or administrative rules.

The EO wanted to clarify that the Chair may be working with the DPS-NED but not as a representative for the Board and clarified that since the practice of pharmacy is covered by the DPS-NED and DOH, that once the Board approves a final draft, before we move forward, we should have the DPS-NED and DOH review for their comments and recommendations.

Mr. Adams stated that we don’t want to tell people they can’t leave a voicemail and would hesitate referring to it as an “oral prescription” and would recommend that the prescription left on a voicemail be verified.

The Chair recommended that this matter be discussed at the December Board meeting and that for the next Committee meeting we discuss if an oral code is necessary.

Next Meeting:

Thursday, December 20, 2012
8:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Mr. Adams stated that he would not be able to attend.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:00 a.m.

Taken and recorded by:

/s/ Lisa Kalani
Lisa Kalani, Secretary

Reviewed and approved by:

Lee Ann Teshima
Lee Ann Teshima, Executive Officer

11/19/12

Minutes approved as is.

Minutes approved with changes; see minutes of _____.