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December 30, 2010

### **REPORT TO THE LEGISLATURE REGULAR SESSION 2011, PURSUANT TO ACT 212, SLH 2008**

This report is filed pursuant to Act 212, SLH 2008, which requires the Department of Commerce and Consumer Affairs ("DCCA"), to report to the Legislature information on the use of the remote dispensing machines. The Board of Pharmacy ("Board") is responding to the Legislative request on behalf of the Department.

Act 212 amended Hawaii Revised Statutes Chapter 461, Relating to Pharmacists and Pharmacies, to permit the operation of remote dispensing machines by a licensed pharmacy and pharmacist. The remote dispensing technology would allow a pharmacist to dispense prescription medications from a location away from the responsible pharmacy, via live computer, video and audio link with the responsible pharmacy and pharmacist-in-charge. This technology would still allow the pharmacist-in-charge to have immediate supervision and control over the dispensing of prescription medications from the remote dispensing pharmacy.

Act 212 made it clear that remote dispensing machines shall not be operated within a five-mile radius of any pharmacy and that remote dispensing pharmacies shall only provide medications to patients covered by QUEST, however, Act 96, SLH 2009 amended HRS Chapter 461 to allow health maintenance organizations ("HMO's") to utilize the remote dispensing technology for the exclusive use of patients served at the facility and to allow patients residing on an island without a pharmacy or in remote areas without an existing pharmacy within a five-mile radius to obtain their medications via a remote dispensing pharmacy. Act 96 also allowed the dispensing of controlled substances to be dispensed from a remote dispensing machine to residents on islands without a pharmacy or in remote areas without an existing pharmacy within a five-mile radius and in an HMO facility.

Act 51, SLH 2010 further amended HRS Chapter 461 by deleting the restriction that only drugs acquired pursuant to section 340B of the Public Health Service Act, Title 42 United States Code section 256b may be dispensed by a remote dispensing machine to allow HMO's to utilize the remote dispensing technology. Prior notification to the Board to establish any remote dispensing pharmacy is still required.

As of the date of this report, two entities, Ho'ola Lahui Hawaii Pharmacy and Waianae Coast Comprehensive Health Center, have previously applied for two (2) remote dispensing sites each. Ho'ola Lahui Hawaii Pharmacy reported that their remote dispensing machines at the Kapaa clinic and the Waimea clinic is not working. The Waianae Coast Comprehensive Health Center reported that their remote dispensing machine located at their Waianae clinic is on hold until other logistics are straightened out but their Nanakuli site has been in operation. They reported that it doesn't add too much work for the pharmacist or pharmacy staff at the responsible pharmacy, but that stocking the machine and maintaining a log of the drugs that are stocked and labeled is a little time consuming. They also reported that the patients find it convenient to obtain their drugs at the same place they see their physician and the physicians are assured that their patients are receiving the medication they need.

No other notifications for remote dispensing machines have been received by the Board.