

NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR



KEALI'I S. LOPEZ
DIRECTOR

CELIA C. SUZUKI
LICENSING ADMINISTRATOR

BOARD OF PHARMACY

STATE OF HAWAII
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P.O. Box 3469
HONOLULU, HAWAII 96801
www.hawaii.gov/dcca/pvl

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REPORT TO THE LEGISLATURE REGULAR SESSION 2013, **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 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 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 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 HMOs 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, on Kauai, and the Waianae Coast Comprehensive Health Center had previously applied for two (2) remote dispensing sites each. Ho'ola Lahui Hawaii Pharmacy reported that its remote dispensing machines at the Kapaa clinic and the Waimea clinic are not working. The Waianae Coast Comprehensive Health Center reported that its remote dispensing machine located at its Waianae clinic is on hold until other logistics are straightened out but its Nanakuli site has been in operation. It was reported that it is not an additional burden to the pharmacist and pharmacy staff at the responsible pharmacy, but that stocking the machine and maintaining a log of the drugs that are stocked and labeled is somewhat time consuming. However, patients find it convenient to obtain their drugs at the same location they see their physician and the physicians are assured that their patients are receiving the medications they need. One concern that was recently raised was the upcoming repeal date for HRS section 461-10.5, which is scheduled to be repealed on January 14, 2014. Both Ho'ola Lahui Hawaii Pharmacy and the Waianae Coast Comprehensive Health Center reported that although they would like to "invest" in "upgrading" the system, they do not want to spend the money if the law is repealed.

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