

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Pharmacists and Pharmacy

Summary

We evaluated the regulation of pharmacists and pharmacy under Chapter 461, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute. We found that continued regulation of pharmacists and pharmacy is needed. If practiced incompetently, the occupation has a significant potential for harm to consumers.

Pharmacists measure, count, mix, and dispense drugs prescribed by physicians, podiatrists, dentists, and veterinarians. They also advise medical practitioners about drug selection, help customers choose over-the-counter medications, and maintain patient medication profiles.

A seven-member Board of Pharmacy regulates the occupation. The board is administratively attached to the Department of Commerce and Consumer Affairs. The department's Professional and Vocational Licensing Division provides administrative services to the board, and the Regulated Industries Complaints Office handles consumer complaints and pursues legal action when appropriate.

Since our first sunset evaluation in 1985, improvements have been made in the regulatory program. Additional improvements are needed in several areas. The statute contains licensing requirements that are restrictive (2,000 hours of practical experience instead of the more common 1,500) and unnecessary (a state jurisprudence examination). In addition, the Board of Pharmacy is attempting to expand the scope of regulation unnecessarily by regulating nonresident pharmacies, imposing additional requirements on pharmacist assistants (interns), and taking over certain regulatory responsibilities of the Department of Health. Finally, the board's manual and licensing forms contain inaccuracies, and the requirement that applicants submit a personal photograph has the potential for discrimination.

Recommendations and Response

We recommend that the Legislature reenact Chapter 461, Hawaii Revised Statutes, to continue the regulation of pharmacists and pharmacy. In reenacting the statute, the Legislature should consider amending it to reduce the practical experience requirement from 2,000 to 1,500 hours and delete the requirement of a state jurisprudence examination.

The Board of Pharmacy should abandon its efforts to regulate further nonresident pharmacies, impose unnecessary requirements on pharmacist assistants, and take over certain regulatory responsibilities of the Department of Health. The department should work with the board to correct the inaccuracies in the board's operational manual and delete the requirement of a personal photograph.

The Board of Pharmacy concurs that Chapter 461 should be reenacted, the practical experience requirement reduced to 1,500 hours, and the jurisprudence examination deleted. It points out that Act 259 of 1993 requires regulation of nonresident pharmacies. To clarify, we are simply saying that the board should not pursue additional regulation of these pharmacies.

The board says that its experience requirements for pharmacy interns will apply to all license applicants and it will exercise its authority carefully. It does not agree that the board should abandon efforts to take over certain responsibilities currently exercised by the health department. We believe that abandoning these efforts is necessary.

The board says that corrections in its operational manual and application forms have already been made. It agrees that the photograph requirement should be deleted, not because of discrimination, but because it is neither necessary nor efficient.

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