

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

MINUTES OF MEETING

Date: Thursday August 18, 2011

Time: 9:00 a.m.

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

Members Present: Mark E. Brown, Pharmacist, Chair
Patrick Adams, Pharmacist, Vice Chair
Todd Inafuku, Pharmacist
Garrett Lau, Pharmacist
Carolyn Ma, Pharmacist
Jill Oliveira Gray, Public Member

Members Excused: Lydia Kumasaka, Public Member

Staff Present: Lee Ann Teshima, Executive Officer ("EO")
Stephen Levins, Deputy Attorney General ("DAG")
Christine Hironaka, Secretary

Guests: Greg Edwards, Department of Health ("DOH"), Food & Drug Branch
Gerry Fujii, Pharm Assist
Cynthia Nakamura, Informed Rx
Ron Taniguchi, University of Hawaii Hilo College of Pharmacy (UHCOP)
Tim Moser, Mina Pharmacy
Dexter Mar, Ohana Health Plan
Michael Deal, UHCOP
Marcella Chock, Hawaii Pharmacists Association (HPhA)
Nancy Huang, Walgreens
Chad Tamashiro, Longs

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor,
as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the Chair called the meeting to order at 9:10 a.m.

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

The Chair introduced Dr. Jill Oliveira Gray as the new public member for the Board and asked the audience to introduce themselves.

Additions and Additional Distribution

None

Approval of the Previous Minutes – July 14, 2011 Meeting

The Chair asked if there were any amendments to the minutes.

The Vice Chair stated that on page 3, under the NABP State News Roundup – June 2011, the correct spelling for "Trenadol" is "Tramadol".

Mr. Inafuku stated that on page 7, the last paragraph under Insulin and syringes, Kathy Worthington, the word "vials" should be inserted after "Novolin N insulin".

There being no further discussion, upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the minutes of the June 16, 2011 meeting as amended.

Laws and Rules
Committee Report:

Mr. Inafuku stated that the Laws and Rules Committee ("Committee") met before the Board meeting and discussed the following:

- The Laws & Rules Subcommittee Lead Contacts & Discipline Responsibilities list as attached to these minutes, has been updated to include Ms. Aili Hallstone of the Waianae Coast Comprehensive Health Center, representing community health centers.
- The Committee is currently reviewing the amended and new definitions in HAR Chapter 95.
- The Committee is recommending that information regarding APRN-Rx be posted on the Board's web page to assist and educate the pharmacists filling prescriptions for controlled substances.
- Emergency preparedness statutory amendments are being drafted to include pharmacists in HRS §321- 2.5 as volunteer medical assistance personnel. The amendments will allow a volunteer pharmacist to be exempt from liability during a declared state of emergency and the pharmacist will have the authority to fill a prescription for a 30 day supply under certain circumstances.

Executive Officer's
Report:

The EO reported that an updated version of HRS Chapter 329 was distributed to the Board members, that includes amendments from this past legislative session.

Correspondence: **National Association of Boards of Pharmacy (“NABP”)**

NABP State News Roundup – July 2011

The Board reviewed the articles in the NABP State News Roundup for July 2011.

NABP Issues Rogue Online Pharmacy Public Health Alert

The Board reviewed the article report that shows 85% of fake online drug outlets don't require valid prescription and fuels prescription drug abuse.

Nevada State Board of Pharmacy: “The Correct Prescriber” and “Reminder on ‘Office Use’ Drugs”

The Board reviewed the Nevada State Board of Pharmacy warning that all prescriber information must be properly maintained in your computer and pharmacists and pharmacies can be disciplined for inaccurate and improper record keeping for controlled substance prescriptions.

South Dakota State Board of Pharmacy: “New Board of Pharmacy Guideline: Policy Statement Pharmacists Changing Quantity Dispensed:”

The Chair pointed out that the South Dakota Board of Pharmacy approved a policy statement that details the expectations of pharmacists when exercising professional judgment when changing the quantity dispensed. The Chair recommended the Laws & Rules Committee review South Dakota's policy statement guidelines to determine if a similar policy could be adopted by the Board.

Alabama State Board of Pharmacy: “Repackaging Bill Passed”

The Board reviewed the “Repackaging Bill” passed through an amendment to the Pharmacy Practice Act. The bill will affect the packaging of drugs for a patient residing in a residential care facility that does not have an on-premise pharmacy.

Central Fill Pharmacy, Thien Vu, rite Aid

The Chair stated that he was going to ask a Board member to read and lead the discussion on the correspondence and asked Ms. Ma if she could address the correspondence from Thien Vu.

Ms. Ma read Thien Vu's email asking if the miscellaneous permit and controlled substance license allows the licensee to ship products from their central specialty

pharmacy to their local pharmacy for patient pick up.

After some discussion, the Board determined that additional information was needed for clarification in order for them to respond to the inquiry. The Board would like to know that in her email when referring to a "local" pharmacy, if the local pharmacy is also owned by Rite Aid and if it is located in this State since the license/permit information she provided belongs to an out-of-state pharmacy (PMP 696). Also, the Board wanted clarification of which pharmacy will be "dispensing" the drug and whose label will be on the dispensed product, the local pharmacy or the central fill pharmacy?

That Board determined that a miscellaneous permit is issued to a specific pharmacy at a specific address and is not transferable, consequently, the miscellaneous permit that was issued to the Maryland location (PMP 696) is not applicable to any other Rite Aid pharmacy/central fill location.

Upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on and unanimously carried to defer this matter upon receipt of additional information.

Alternatives to Sampling: Distribution of Discount Coupons/Vouchers, Monica Aurelien, Porzio Pharmaceutical Services

The Chair asked Mr. Inafuku if he would lead the discussion on this inquiry.

Mr. Inafuku read Ms. Aurelien's email inquiring about Hawaii's statutes and regulations regarding the distribution of manufacturer prescription drug samples, coupons and vouchers.

Mr. Edwards stated that HRS §328 exempts distributors of drug samples. After some discussion, the Board determined that the pharmacy laws and rules do not address the distribution of discount coupons/vouchers and that no license/permit is required for the distribution of drug samples to physicians, and to refer Ms. Aurelien to the Department of Public Safety, Narcotics Enforcement Division if any of these questions pertain to the distribution of coupons/vouchers and samples for controlled substances.

Advanced Practice Registered Nurses with Prescriptive Authority (APRN-Rx) – Calling in Prescriptions, Rosanne Harrigan, Professor and Chair, John A. Burns School of Medicine.

The Chair asked Mr. Adams to lead the discussion on Ms. Harrigan's email.

Mr. Adams read Ms. Harrigan's email recommending pharmacists be updated on the APRN-Rx practice to prescribe without the supervision of a licensed physician.

Mr. Inafuku stated that the Laws and Rules Committee is working with the EO on providing an information sheet to be posted on the Board's web page explaining the APRN's current prescriptive authority and how to verify an APRN-Rx license.

TOEIC Listening, Reading, Speaking and Writing Tests for English Proficiency

The Chair asked Mr. Lau to lead the discussion on this issue.

Mr. Lau stated that the English Testing Service ("ETS") is offering a test for listening, reading, speaking and writing, called the "TOEIC" and recommended that this information be referred to the Laws and Rules Committee for future consideration.

Clarification Regarding Collaborative Practice, Candace Tan

The Chair read Ms. Tan's email inquiry in which she requested clarification of the Board's response to her previous email regarding what tasks may be performed by a pharmacist pursuant to a collaborative agreement with a licensed physician and if a pharmacist may have a collaborative agreement with another practitioner such as an APRN.

The Chair stated that Ms. Tan asks if collaborative agreement protocols involving medication dosage adjustments and/or drug therapy initiation must be between a pharmacist and a physician or can the physician be an APRN?

After some discussion and review of HRS 461-1, the Board determined that a collaborative agreement is required between a pharmacist and a physician for a pharmacist to perform D (administration of drugs...), E (administering immunizations to persons 19 years of age or older...) and F (initiating, or adjusting the drug regimen...) under HRS 461-1, definition of "Practice of pharmacy", however, the other sections are not specific to a collaborative agreement with a physician and may be between a pharmacist and an APRN.

Veterinarian Prescribing Practice Inquiry, P.g. Verven, Pharm. D.

The Board reviewed an email from Peter Verven, asking how long does a veterinarian have to provide a written prescription to a pharmacy after a directive for a prescription medication has been given in a feedlot or dairy setting.

After some discussion, it was the consensus of the Board that based solely on the information provided in Mr. Verven's email, no prescription drug may be dispensed without a prescription, meaning, the prescription medication may not be dispensed prior to the pharmacy receiving a prescription, there is no grace period for a physician or veterinarian to provide a prescription for a drug that has already been dispensed.

The Board wanted to reiterate that their response does not apply to the dispensing of any controlled substances and that he should contact the Department of Public Safety, Narcotics Enforcement Division.

Old Business: **Naturopathic Formulary – Status Report (Vice Chair and Todd Inafuku)**

Mr. Inafuku stated that he and Mr. Adams are currently reviewing the draft letter of the "Important Notice Regarding the Prescriptive Authority of Naturopathic Physicians" ("Notice") approved by the Board of Naturopathic Medicine.

Mr. Inafuku will be submitting recommendations on changes to the Notice back to the Board of Naturopathic Medicine.

Open Forum: Mr. Fujii stated that a Board member should be present at the next HPhA membership meeting.

Ms. Chock stated the HPhA will send an invitation to the Board.

Applications: Ratification List

Upon a motion by the Vice Chair, seconded by Mr. Inafuku, it was voted on and unanimously carried to approve the attached ratification list.

Executive Session: At 10:21 a.m. upon a motion by the Vice Chair, seconded by Ms. Ma, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(1) and (4), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;".

At 10:35 a.m. upon a motion by the Vice Chair, seconded by Mr. Lau, it was voted on and unanimously carried to move out of executive session.

Applications

Miscellaneous Permit


- **Caremark New Jersey Specialty Pharmacy L.L.C., dba CVS Caremark – Deferred from June 16 and July 14, 2011 meetings.**

The Vice Chair moved to approve the miscellaneous permit for Caremark New Jersey Specialty Pharmacy L.L.C., dba CVS Caremark. The motion was seconded by Ms. Ma with the Vice Chair, Mr. Lau, Ms. Ma and Dr. Gray voting "yes". The Chair and Mr. Inafuku recused themselves. The motion passed.

Next Meeting: Thursday, September 15, 2011
9:00 a.m.
King Kalakaua Conference Room, First Floor
King Kalakaua Building
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:37 a.m.

Taken and recorded by:



Christine Hironaka
Secretary

Reviewed and approved by:



Lee Ann Teshima
Executive Officer
9/1/11

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 09/15/11.

Laws & Rules Advisory Committee

Advisory Group Lead Contacts

1. Aili Hallstone Community Health Centers
2. Barbara Kashiwabara Ambulatory Care
3. Brian Fukunaga Wholesale Distribution
4. Byron Yoshino Home Infusion/Specialty
5. Forrest Batz Academia
6. Gerry Fujii Retail Pharmacy
7. Gregory Edwards Department of Health Food and Drug Branch
8. Marcella Chock Pharmaceutical Manufacturers/Industry
9. Mark Brown Long Term Care
10. Rachel Nishimura Health Plans
11. Richard Mazzoni Out of State Pharmacy
12. Selma Yamamoto Hospital Pharmacy
13. Todd Inafuku Emergency Preparedness
14. Todd Wataoka Federal Government

BOARD OF PHARMACY

August 18, 2011 Ratification List

Miscellaneous Permits (PMP)

Relocation: Specialty Veterinary Pharmacy (PMP 671)
4159 Bluebonnet Drive
Stafford, Texas 77477

Injured Workers Pharmacy LLC (PMP 402)
300 Federal Street
Andova, MA 01810

New PIC: Walgreens Mail Service, Inc. (PMP 64)
Darren Kennedy, PH

Pharmacy (PHY)

New Trade Name: Pharmacy Corporation of America, dba PharMerica/Wailuku
(PHY 580)

Prescription Wholesale Distributor (PWD)

New Trade Name: Pharmacy Corporation of America, dba PharMerica/Wailuku
(PWD 53)

Restoration: Department of Health, Immunization Branch (PWD 117)

BOARD OF PHARMACY

August 18, 2011 Ratification List

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| LTYPE | LIC NUM | LIC NAME PART 1 | BUSN ADDR 1 | BUSN CITY | BUSN ST | BUSN ZIP | BP NAME PART 1 |
|-------|---------|-----------------|-----------------|-----------|---------|----------|--------------------|
| PHY | 802 | TARGET PHARMACY | 391 E MAKALA ST | HILO | HI | 96720 | TARGET CORPORATION |

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| LTYPE | LIC NUM | LIC NAME PART 1 | BUSN ADDR 1 | BUSN CITY | BUSN ST | BUSN ZIP | BP NAME PART 1 |
|-------|---------|------------------------|-----------------------|------------|---------|----------|------------------------------------|
| PMP | 698 | | 1221 CORPORATE DR E | ARLINGTON | TX | 76006 | PREFERRED RX LLC |
| PMP | 699 | | 9500 NW 79TH AVE #6 | HIALEAH | FL | 33016 | VETERINARY MART CORP |
| PMP | 700 | | 8111 ROYAL RIDGE PKWY | IRVING | TX | 76053 | MEDCO HEALTH SOLUTIONS OF IRVING L |
| PMP | 701 | COMPOUND CARE PHARMACY | 30245 COUNTRY RD #49 | LOXLEY | AL | 36551 | COMPOUND CARE PLUS LLC |
| PMP | 702 | | 263 PACIFIC AVE | LONG BEACH | CA | 90806 | COASTEL EXPRESS PHARMACY INC |

INTERN PERMIT

BPNAME PART 1

| | |
|------|--------------------|
| 2990 | TANAKA, DAVIS H |
| 2991 | NONAKA, MARISA |
| 2992 | KIM, LAURYN M |
| 2993 | NGUYEN, OANH HOANG |
| 2994 | DO, ANTHONY |
| 2995 | VO, FAY THUY |
| 2996 | ROJAS, IAN S |
| 2997 | LANDICHO, MARIA M |
| 2998 | SONO, MATTHEW M |
| 2999 | UY, SALINA |

LTYPELIC NUM

BPNAME PART 1

Monday August 08, 2011 08:17 AM

| | | |
|----|------|----------------------------------|
| PH | 3200 | KEVIN L <JOHNSON< |
| PH | 3201 | MARISA N <SCHROEDER< |
| PH | 3202 | GREGORY <BRADLEY< |
| PH | 3203 | NELSON T <NAKATSU< |
| PH | 3204 | TIFFANY P <SANTORE< |
| PH | 3205 | JOHN MICHAEL R <FARIA< |
| PH | 3206 | GAVIN T <GUSHIKEN< |
| PH | 3207 | ANGELINA M <EUSTAQUIO< |
| PH | 3208 | KIM M <FOPPOLI< |
| PH | 3209 | CASEY K <OGATA< |
| PH | 3210 | LISA M <HAGIWARA< |
| PH | 3211 | TRAVIS M <YOUNG< |
| PH | 3212 | STEVEN J <EVANS< |
| PH | 3213 | REID S S <INOUYE< |
| PH | 3214 | KEVIN <YOUNG< |
| PH | 3215 | RYAN AIKO <MASHIYAMA< |
| PH | 3216 | LINDSEY Y <AOKI< |
| PH | 3217 | DANIEL A <NAVAS< |
| PH | 3218 | CHIMENE M <SIENKIEWICZ< |
| PH | 3219 | SHELBY T <NAGATA< |
| PH | 3220 | KORYN-MICHELE K <KINOSHITA YUEN< |
| PH | 3221 | KEN <EVERLY< |
| PH | 3222 | EDLYNNE K <AKANA< |
| PH | 3223 | KRISTEN K <IMADA< |
| PH | 3224 | MAUREEN S <REILLY< |
| PH | 3225 | ROSHNI H <PATEL< |
| PH | 3226 | NICOLE K <TANABE< |
| PH | 3227 | JI YEUN <KU< |
| PH | 3228 | KELLIE A <SMITH< |
| PH | 3229 | ALISSA <KANAKAOLE< |
| PH | 3230 | ROSS T <PASCUAL< |
| PH | 3231 | JESSICA P M <TOYAMA< |
| PH | 3232 | OH YOUNG <KIM< |