

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

**MINUTES OF MEETING**

Date: Thursday September 15, 2011

Time: 8:00 a.m.

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

Members Present: Todd Inafuku, Pharmacist, Chair  
Mark E. Brown, Pharmacist, Member  
Patrick Adams, Pharmacist, Member

Staff Present: Lee Ann Teshima, Executive Officer ("EO")  
Christine Hironaka, Secretary

Guests: Amy Baker, University of Hawaii Hilo College of Pharmacy

Call to Order: The Chair called the meeting to order at 8:03 a.m.

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

None.

**Approval of the Previous Minutes – July 14, 2011 and August 18, 2011 meetings**

Upon a motion by Mr. Adams, seconded by Mr. Brown, it was voted on and unanimously voted on to approve the minutes of the July 14, 2011 and August 18, 2011 meetings.

Old Business: **Advisory Group**

The Chair stated that he thought it would be appropriate to add pharmacy technicians to the list of the Advisory Committee Lead Contacts.

Upon a motion by Mr. Adams, seconded by Mr. Brown, it was voted on and unanimously approved to ask the Hawaii Pharmacist Association for a list of pharmacy technicians, who will be subject to interview by the Laws and Rules Committee, to serve as Advisory Committee Lead Contacts.

## Amendments to HAR Chapter 95

### §16-95-2 Definitions – Continued from August 18, 2011 Meeting

The Committee reviewed the draft "definitions" section of HAR Chapter 95.

Mr. Adams stated that he could not agree with the "collaborative agreement" definition because written agreements are too limiting, does not serve the public and may change the scope of practice.

The Chair stated that the definition for "collaborative agreement" should be looked at statutorily for clarification.

Mr. Adams agreed that the definitions for "delivery" and "dispense" should be separate and "delivery" should be looked at as a delivery person. "Dispense" can then be defined as the moment the prescription is in the bottle, which may lead to "delivery" by a common carrier and a definition for "depot".

Mr. Adams also commented that "order" and "prescription" should be better defined.

The Chair stated there were comments from others who want to review the separation of the definitions for "delivery" and "dispense" and the reason why he separated the definitions is because HRS Chapter 328.16(i) states, "A drug that is subject to subsections (a), (b), (c), and (d) shall be deemed to be misbranded if, at any time prior to dispensing, its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription", "Caution: State law prohibits dispensing without prescription", or "Rx only" and if a product is "dispensed" upon delivery to the patient, technically, the products on the Will Call shelf at the pharmacy have not been "dispensed" and are now misbranded because they do not have "Rx only" on the labels. The Chair stated he and Greg Edwards have researched the topic and there is no definition for "dispense" in HRS Chapters 328 and 461.

The Chair also stated he has:

1. Inserted a change in the rules regarding drugs that cannot be returned to the pharmacy after it has been dispensed.
2. Compared the rules with the statutes and inserted changes to the rules to mirror the statutes.

Mr. Adams stated he would rather concentrate on the statute and scope of practice before working on the rules.

The Chair stated that changes to the statute should be brought up to the full Board and that the current outdated rules need to be revised.

Upon further discussion, the committee proposed to disseminate the working draft to the Advisory Committee contact leads and discuss the scope of practice and the next meeting.

Upon a motion by Mr. Adams, seconded by Mr. Brown, it was voted on to unanimously disseminate the working draft to the leads of the Advisory Committee and discuss the scope of practice at the next meeting.

Next Meeting: Thursday, October 20, 2011  
8:00 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 8:55 a.m.

Taken and recorded by:

*CHA*

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Christine Hironaka  
Secretary

Reviewed and approved by:

  
\_\_\_\_\_  
Lee Ann Teshima  
Executive Officer  
10/3/11

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_.