
A BILL FOR AN ACT

RELATING TO TELEPHARMACY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many individuals
2 living in underserved or remote areas need improved access to
3 medications and pharmacy services. A remote dispensing program
4 that allows for the dispensing of low-cost medications through
5 the use of a secure remote dispensing machine and patient
6 counseling via a two-way interactive videoconferencing system
7 will help to resolve the dual problem of access to prescription
8 drugs and pharmacists for low-income populations.

9 The purpose of this Act is to permit the operation of remote
10 dispensing machines by a licensed pharmacy or pharmacist.

11 SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended
12 by adding a new section to be appropriately designated and to
13 read as follows:

14 "§461- Remote dispensing pharmacy; operations. (a) A
15 remote dispensing pharmacy shall not be operated in any county
16 with a population greater than one hundred thousand residents.



1 (b) A remote dispensing pharmacy shall be under the direct
2 supervision of the registered pharmacist in charge of the
3 responsible pharmacy who shall:

4 (1) Ensure that the remote dispensing pharmacy is in
5 compliance with all laws and rules governing the
6 practice of pharmacy and remote dispensing;

7 (2) Ensure that the remote dispensing pharmacy is
8 appropriately staffed by a qualified remote dispensing
9 technician; and

10 (3) Be responsible for the integrity of the drugs in the
11 remote dispensing machine and that drugs for the
12 remote dispensing machine are provided to the remote
13 dispensing pharmacy only from the responsible
14 pharmacy.

15 (c) Physical set-up. A remote dispensing pharmacy shall:

16 (1) Be effectively secured to prevent unauthorized access
17 at all times, and entry to the remote dispensing
18 pharmacy shall be limited to authorized personnel
19 only;

20 (2) Be connected via live computer link, video link, and
21 audio link to the responsible pharmacy and shall use
22 the information technology system of the responsible
23 pharmacy;



1 (3) Conspicuously display at the remote dispensing
2 machine:

3 (A) A copy of the license of the responsible
4 pharmacy; and

5 (B) A copy of the license of the pharmacist-in-charge
6 of the responsible pharmacy;

7 and

8 (4) Have a confidential area available for communication
9 between the patient and the pharmacist at the
10 responsible pharmacy.

11 (d) The remote dispensing technician shall offer each
12 patient counseling by a pharmacist for all prescriptions.

13 (e) A pharmacist at the responsible pharmacy shall approve
14 each prescription before it is dispensed to the patient.

15 (f) Each remote dispensing machine shall be operated by
16 only one responsible pharmacy. A responsible pharmacy may
17 operate through more than one remote dispensing machine.

18 (g) The remote dispensing machine shall have the following
19 features to ensure that it is appropriately secure at all times
20 and that all transactions are properly documented:

21 (1) Secure double-locked cabinets;

22 (2) Bar-coding or similar technology that effectively
23 recognizes the product;



- 1 (3) A cabinet that delivers only one bar-coded unit-of-use
2 container per dispense, per prescription;
- 3 (4) A scanner and printer that, upon releasing the unit-
4 of-use container from the remote dispensing machine,
5 the container is scanned to confirm that it is in fact
6 the correct container, and with such confirmation, the
7 printer will print a patient-specific label that also
8 has a bar code that is scanned to confirm that it is
9 the correct label for the prescription; and
- 10 (5) A video component that allows the patient to have a
11 "face-to-face" consultation with the pharmacist at the
12 responsible pharmacy.
- 13 (h) A pharmacist shall be in charge of the remote
14 dispensing machine and shall ensure that:
 - 15 (1) Written policies and procedures are developed prior to
16 using the machine that:
 - 17 (A) Ensure the safe and effective dispensing of
18 pharmaceutical products;
 - 19 (B) Ensure the remote dispensing pharmacy and the
20 remote dispensing machine is operating safely,
21 accurately, and securely; and



- 1 (C) Define access to the remote dispensing machine
2 and to medications contained within or associated
3 with the machine, including policies that assign,
4 discontinue, or change access to the remote
5 dispensing machine and medications;
- 6 (2) A pharmacist licensed in this state and employed by
7 the responsible pharmacy has secured access to the
8 drugs in the remote dispensing machine;
- 9 (3) Access to the medications complies with state and
10 federal laws, rules, and regulations;
- 11 (4) No prescription drug is dispensed at the remote
12 dispensing pharmacy until a pharmacist at the
13 responsible pharmacy has verified the finished
14 prescription;
- 15 (5) Only one prescription is dispensed and labeled from
16 the remote dispensing machine at a time;
- 17 (6) All prescriptions dispensed have a label affixed to
18 the final drug container that meets the requirements
19 set forth in section 328-16 and includes the address of
20 the remote dispensing pharmacy;



- 1 (7) If a patient refuses the prescription drug at the time
2 it is dispensed, the prescription drug is locked in a
3 secured cabinet;
- 4 (8) There is proper inventory control at the remote
5 dispensing pharmacy and only a registered pharmacist
6 or a technician assigned by the pharmacist in charge
7 of the responsible pharmacy shall stock the remote
8 dispensing machine;
- 9 (9) A reconciliation of the physical inventory of the
10 remote dispensing pharmacy is conducted at least
11 annually;
- 12 (10) All personnel who operate the remote dispensing
13 machine at the remote dispensing pharmacy are properly
14 trained. Training shall ensure the competence and
15 ability of all personnel who operate any component of
16 the remote dispensing machine and the remote
17 dispensing pharmacy. Documentation of training shall
18 be kept by the responsible pharmacy; and
- 19 (11) The remote dispensing machine is stocked accurately
20 and in accordance with established written policies
21 and procedures. The pharmacist shall check the



1 accuracy of the product supplied for stocking the
2 remote dispensing machine.

3 (i) Controlled substances shall not be dispensed from any
4 remote dispensing machine or remote dispensing pharmacy.

5 (j) Drugs dispensed from the remote dispensing machine
6 shall be dispensed as packaged, with no changes to the drug, its
7 strength, or its unit quantity, except for the addition of water
8 for reconstitution of dry powder drugs.

9 (k) Prescription labels for the product dispensed from the
10 remote dispensing machine shall only be generated at the remote
11 dispensing pharmacy.

12 (l) Records of prescriptions filled at the remote
13 dispensing pharmacy shall be maintained at the responsible
14 pharmacy and shall be distinguishable from those records filled
15 at the responsible pharmacy. All responsible pharmacies shall
16 maintain, on-site at the remote dispensing pharmacy and have
17 available for inspection at all times, records and documentation
18 of the following:

19 (1) All prescriptions dispensed at the remote dispensing
20 pharmacy;

21 (2) All inventory movement at the remote dispensing
22 pharmacy; and



1 (3) A policies and procedures manual of the remote
2 dispensing pharmacy.

3 (m) This section shall not apply to physicians licensed
4 pursuant to chapter 453."

5 SECTION 3. Section 461-1, Hawaii Revised Statutes, is
6 amended by adding five new definitions to be appropriately
7 inserted and to read as follows:

8 "Remote dispensing" means the practice of dispensing drugs
9 through the use of trained personnel, telecommunications, and
10 information technologies to patients at a remote dispensing
11 pharmacy.

12 "Remote dispensing machine" means a device used for
13 dispensing unit-of-use drugs that is operated using information
14 technologies and is located in a remote dispensing pharmacy.

15 "Remote dispensing pharmacy" means the area in an
16 institutional facility, including a federally qualified health
17 center, providing outpatient medical care in any county with a
18 population of less than one hundred thousand residents, by
19 dispensing prescription drugs through the use of a remote
20 dispensing machine.

21 "Remote dispensing technician" means an individual who
22 assists the pharmacist in various activities specific to the
23 remote dispensing pharmacy.



1 "Responsible pharmacy" means a pharmacy that operates a
2 remote dispensing machine located in this state and holds a valid
3 permit issued by the board pursuant to section 461-14."

4 SECTION 4. The department of commerce and consumer affairs
5 shall submit an annual report to the legislature no later than
6 twenty days prior to the convening of the regular legislative
7 session, beginning with the regular session of 2009 and ending
8 with the regular session of 2013. The report shall include
9 information on the use of the remote dispensing machines and
10 their financial impact, if any, on local pharmacies within a ten
11 mile radius.

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval
14 and shall be repealed on January 1, 2013.



Report Title:

Remote Dispensing Pharmacy; Medication

Description:

Permits the operation of remote dispensing pharmacies. (HB2001
HD1)

