
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 within ten
16 miles of a pharmacy in the state unless it is in a county with a
17 population of less than one hundred thousand residents, in which



1 case there shall be no limitation based on proximity to a
2 pharmacy.

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

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

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

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

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

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

22 (2) Be connected via live computer link, video link, and
23 audio link to the responsible pharmacy and shall use



1 the information technology system of the responsible
2 pharmacy;

3 (3) Conspicuously display at the remote dispensing
4 machine:

5 (A) A copy of the license of the responsible
6 pharmacy; and

7 (B) A copy of the license of the pharmacist-in-charge
8 of the responsible pharmacy;

9 and

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

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

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

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

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

23 (1) Secure double-locked cabinets;



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



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



- 1 set forth in section 328-16 and includes the address of
2 the remote dispensing pharmacy;
- 3 (7) If a patient refuses the prescription drug at the time
4 it is dispensed, the prescription drug is locked in a
5 secured cabinet;
- 6 (8) There is proper inventory control at the remote
7 dispensing pharmacy and only a registered pharmacist
8 or a technician assigned by the pharmacist in charge
9 of the responsible pharmacy shall stock the remote
10 dispensing machine;
- 11 (9) A reconciliation of the physical inventory of the
12 remote dispensing pharmacy is conducted at least
13 annually;
- 14 (10) All personnel who operate the remote dispensing
15 machine at the remote dispensing pharmacy are properly
16 trained. Training shall ensure the competence and
17 ability of all personnel who operate any component of
18 the remote dispensing machine and the remote
19 dispensing pharmacy. Documentation of training shall
20 be kept by the responsible pharmacy; and
- 21 (11) The remote dispensing machine is stocked accurately
22 and in accordance with established written policies



1 and procedures. The pharmacist shall check the
2 accuracy of the product supplied for stocking the
3 remote dispensing machine.

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

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

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

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

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

22 (2) All inventory movement at the remote dispensing
23 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 by dispensing
18 prescription drugs through the use of a remote dispensing
19 machine.

20 "Remote dispensing technician" means an individual who
21 assists the pharmacist in various activities specific to the
22 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
HD2)

