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# A BILL FOR AN ACT

RELATING TO REMOTE DISPENSING.

**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 be under the direct supervision  
16 of the registered pharmacist in charge of the responsible  
17 pharmacy who shall:



- 1        (1) Ensure that the remote dispensing pharmacy is in  
2        compliance with all laws and rules governing the  
3        practice of pharmacy and remote dispensing;
- 4        (2) Ensure that the remote dispensing pharmacy is  
5        appropriately staffed by a qualified remote dispensing  
6        technician; and
- 7        (3) Be responsible for the integrity of the drugs in the  
8        remote dispensing machine and that drugs for the  
9        remote dispensing machine are provided to the remote  
10       dispensing pharmacy only from the responsible  
11       pharmacy.
- 12       (b) Physical set-up. A remote dispensing pharmacy shall:
- 13       (1) Be effectively secured to prevent unauthorized access  
14       at all times, and entry to the remote dispensing  
15       pharmacy shall be limited to authorized personnel  
16       only;
- 17       (2) Be connected via live computer link, video link, and  
18       audio link to the responsible pharmacy and shall use  
19       the information technology system of the responsible  
20       pharmacy;
- 21       (3) Conspicuously display at the remote dispensing  
22       machine:



1           (A) A copy of the license of the responsible  
2           pharmacy; and

3           (B) A copy of the license of the pharmacist in charge  
4           of the responsible pharmacy;

5           and

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

9           (c) Remote dispensing pharmacies shall not provide  
10          medications to patients with health insurance coverage; provided  
11          that patients covered by QUEST:

12          (1) May fill prescriptions at a remote dispensing pharmacy  
13          if there is no pharmacy as defined under section 461-1  
14          within five miles of the remote dispensing pharmacy;

15          and

16          (2) Shall receive not more than a ten day supply of any  
17          medication dispensed from a remote dispensing  
18          pharmacy.

19          (d) The remote dispensing technician shall offer each  
20          patient the option of receiving counseling by a pharmacist at the  
21          responsible pharmacy for all prescriptions.



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

3       (f) Each remote dispensing machine shall be operated by  
4 only one responsible pharmacy. A responsible pharmacy may  
5 operate through more than one remote dispensing machine.

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

9       (1) Secure double-locked cabinets;

10       (2) Bar-coding or similar technology that effectively  
11 recognizes the product;

12       (3) A cabinet that delivers only one bar-coded unit-of-use  
13 container per dispense, per prescription;

14       (4) A scanner and printer that, upon releasing the unit-  
15 of-use container from the remote dispensing machine,  
16 the container is scanned to confirm it is the correct  
17 container, and with that confirmation, the printer  
18 will print a patient-specific label that has a bar  
19 code which is scanned to confirm it is the correct  
20 label for the prescription; and



1       (5) A video component that allows the patient to have a  
2           "face-to-face" consultation with the pharmacist at the  
3           responsible pharmacy.

4       (h) A pharmacist shall be in charge of the remote  
5 dispensing machine and shall ensure that:

6       (1) Written policies and procedures are developed prior to  
7           using the machine that:

8           (A) Ensure the safe and effective dispensing of  
9           pharmaceutical products;

10          (B) Ensure the remote dispensing pharmacy and the  
11           remote dispensing machine is operating safely,  
12           accurately, and securely; and

13          (C) Define access to the remote dispensing machine  
14           and to medications contained within or associated  
15           with the machine, including policies that assign,  
16           discontinue, or change access to the remote  
17           dispensing machine and medications;

18       (2) A pharmacist licensed in this state and employed by  
19           the responsible pharmacy has secured access to the  
20           drugs in the remote dispensing machine;

21       (3) Access to the medications complies with state and  
22           federal laws, rules, and regulations;



- 1        (4) No prescription drug is dispensed at the remote  
2        dispensing pharmacy until a pharmacist at the  
3        responsible pharmacy has verified the finished  
4        prescription;
- 5        (5) Only one prescription is dispensed and labeled from  
6        the remote dispensing machine at a time;
- 7        (6) All prescriptions dispensed have a label affixed to  
8        the final drug container that meets the requirements  
9        set forth in section 328-16 and includes the address of  
10       the remote dispensing pharmacy;
- 11       (7) If a patient refuses the prescription drug at the time  
12       it is dispensed, the prescription drug is locked in a  
13       secured cabinet;
- 14       (8) There is proper inventory control at the remote  
15       dispensing pharmacy and only a registered pharmacist  
16       or a remote dispensing technician assigned by the  
17       pharmacist in charge of the responsible pharmacy shall  
18       stock the remote dispensing machine;
- 19       (9) A reconciliation of the physical inventory of the  
20       remote dispensing pharmacy is conducted at least  
21       annually;



1       (10) All personnel who operate the remote dispensing  
2       machine at the remote dispensing pharmacy are properly  
3       trained. Training shall ensure the competence and  
4       ability of all personnel who operate any component of  
5       the remote dispensing machine and the remote  
6       dispensing pharmacy. Documentation of training shall  
7       be kept by the responsible pharmacy; and

8       (11) The remote dispensing machine is stocked accurately  
9       and in accordance with established written policies  
10       and procedures. The pharmacist shall check the  
11       accuracy of the product supplied for stocking the  
12       remote dispensing machine.

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

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

19       (k) Prescription labels for the product dispensed from the  
20       remote dispensing machine shall only be generated at the remote  
21       dispensing pharmacy.

22       (l) Records of prescriptions filled at the remote  
23       dispensing pharmacy shall be maintained at the responsible



1 pharmacy and shall be distinguishable from those records filled  
2 at the responsible pharmacy. All responsible pharmacies shall  
3 maintain, on-site at the remote dispensing pharmacy and have  
4 available for inspection at all times, records and documentation  
5 of the following:

6 (1) All prescriptions dispensed at the remote dispensing  
7 pharmacy;

8 (2) All inventory movement at the remote dispensing  
9 pharmacy; and

10 (3) A policies and procedures manual of the remote  
11 dispensing pharmacy.

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

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

17 "Remote dispensing" means the practice of dispensing drugs  
18 through the use of trained personnel, telecommunications, and  
19 information technologies to patients at a remote dispensing  
20 pharmacy.

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





1       "Remote dispensing pharmacy" means the area in an  
2 institutional facility, including a federally qualified health  
3 center, providing outpatient medical care in any county, by  
4 dispensing prescription drugs through the use of a remote  
5 dispensing machine.

6       "Remote dispensing technician" means an individual who  
7 assists the pharmacist in various activities specific to the  
8 remote dispensing pharmacy.

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

12       SECTION 4. Section 461-14, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§461-14 Permits for operation of pharmacy**[~~+~~];  
15 **notification of remote dispensing pharmacy.** (a) It shall be  
16 unlawful for any person to operate, maintain, open, change  
17 location, or establish any pharmacy or remote dispensing  
18 pharmacy within the [~~State~~] state without [~~first~~] having first  
19 obtained a permit or prior notification from the board.

20       (b) Application for permits and notifications shall be  
21 made on a form to be prescribed by the board. Separate  
22 [~~application~~] applications shall be made and separate permits



1 and notifications issued for each separate place at which is  
2 carried on any of the operations for which a permit or  
3 notification is required.

4 (c) On evidence satisfactory to the board, a permit or  
5 notification shall be issued~~[, provided:]~~; provided that:

6 (1) ~~[That the]~~ The pharmacy for which the permit or  
7 notification is sought is or will be~~[,]~~ in full  
8 compliance with this chapter and rules of the board;

9 (2) ~~[That the]~~ The location and appointments of the  
10 pharmacy are such that it can be operated and  
11 maintained without endangering the public health or  
12 safety; and

13 (3) ~~[That the]~~ The pharmacy will be under the personal and  
14 immediate supervision of a registered pharmacist.

15 (d) ~~[No application]~~ An application for a permit shall be  
16 refused ~~[except pursuant to]~~ for noncompliance with this section  
17 ~~[and]~~ but only after notice to the applicant and a full and fair  
18 hearing.

19 (e) To operate a remote dispensing pharmacy, a responsible  
20 pharmacy shall submit to the board the following information:

21 (1) A completed form prescribed by the board;



- 1        (2) The name, address, and permit number of the  
2        responsible pharmacy;
- 3        (3) The name and license number of the pharmacist in  
4        charge of the responsible pharmacy;
- 5        (4) The name of the institutional health care facility and  
6        the address of the remote dispensing pharmacy;
- 7        (5) A floor plan of the remote dispensing pharmacy, which  
8        shall indicate the space or location of the remote  
9        dispensing machine;
- 10       (6) The date the remote dispensing pharmacy will be ready  
11       for operations;
- 12       (7) A description of the security system;
- 13       (8) A description of the computer link, video link, and  
14       audio link; and
- 15       (9) Photographs of the remote dispensing pharmacy area,  
16       including but not limited to the remote dispensing  
17       machine, the security system, computer link, video  
18       link, audio link, confidential-communications area,  
19       and locked cabinet.
- 20       A remote dispensing pharmacy's failure to notify the board in  
21       writing within thirty days of any changes to the information  
22       described in paragraphs (1) to (9) or failure to comply with



1 this chapter shall be considered a violation of this chapter and  
2 shall result in disciplinary action against the pharmacist in  
3 charge and the responsible pharmacy.

4 (f) Permits and licenses issued under this section and  
5 section 461-15 may be closed upon written request from the  
6 holder of the permit or license. The board shall approve all  
7 requests by the holder for closure of a permit or license. Once  
8 the closure is approved, the holder of the closed permit or  
9 license shall be required to reapply as a new applicant to  
10 conduct business where a permit or license is required."

11 SECTION 5. The department of commerce and consumer affairs  
12 shall submit an annual report to the legislature no later than  
13 twenty days prior to the convening of the regular legislative  
14 session, beginning with the regular session of 2009 and ending  
15 with the regular session of 2013. The report shall include  
16 information on the use of the remote dispensing machines.

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2050 and  
20 shall be repealed on January 1, 2013.



S.B. NO. 2459  
S.D. 2  
H.D. 1

**Report Title:**

Remote Dispensing Pharmacy; Medication

**Description:**

Permits the operation of remote dispensing pharmacies to uninsured patients of a health care provider and patients with QUEST coverage in certain circumstances. (SB2459 HD1)

SB2459 HD1 HMS 2008-3463

