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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  
10 remote 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 or



1 within a ten mile radius of an existing pharmacy if the  
2 population is greater than one hundred thousand residents.

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;



1       (2) Be connected via live computer link, video link, and  
2       audio link to the responsible pharmacy and shall use  
3       the information technology system of the responsible  
4       pharmacy;

5       (3) Conspicuously display at the remote dispensing  
6       machine:

7       (A) A copy of the license of the responsible  
8       pharmacy; and

9       (B) A copy of the license of the pharmacist-in-charge  
10       of the responsible pharmacy;

11       and

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

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

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

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



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

- 4        (1) Secure double-locked cabinets;  
5        (2) Bar-coding or similar technology that effectively  
6        recognizes the product;  
7        (3) A cabinet that delivers only one bar-coded unit-of-use  
8        container per dispense, per prescription;  
9        (4) A scanner and printer that, upon releasing the unit-  
10       of-use container from the remote dispensing machine,  
11       the container is scanned to confirm that it is in fact  
12       the correct container, and with such confirmation, the  
13       printer will print a patient-specific label that also  
14       has a bar code that is scanned to confirm that it is  
15       the correct label for the prescription; and  
16       (5) A video component that allows the patient to have a  
17       "face-to-face" consultation with the pharmacist at the  
18       responsible pharmacy.

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



- 1        (1) Written policies and procedures are developed prior to  
2        using the machine that:
- 3        (A) Ensure the safe and effective dispensing of  
4        pharmaceutical products;
- 5        (B) Ensure the remote dispensing pharmacy and the  
6        remote dispensing machine is operating safely,  
7        accurately, and securely; and
- 8        (C) Define access to the remote dispensing machine  
9        and to medications contained within or associated  
10       with the machine, including policies that assign,  
11       discontinue, or change access to the remote  
12       dispensing machine and medications;
- 13       (2) A pharmacist licensed in this state and employed by  
14       the responsible pharmacy has secured access to the  
15       drugs in the remote dispensing machine;
- 16       (3) Access to the medications complies with state and  
17       federal laws, rules, and regulations;
- 18       (4) No prescription drug is dispensed at the remote  
19       dispensing pharmacy until a pharmacist at the  
20       responsible pharmacy has verified the finished  
21       prescription;



- 1        (5) Only one prescription is dispensed and labeled from  
2        the remote dispensing machine at a time;
- 3        (6) All prescriptions dispensed have a label affixed to  
4        the final drug container that meets the requirements  
5        set forth in section 328-16 and includes the address  
6        of the remote dispensing pharmacy;
- 7        (7) If a patient refuses the prescription drug at the time  
8        it is dispensed, the prescription drug is locked in a  
9        secured cabinet;
- 10       (8) There is proper inventory control at the remote  
11       dispensing pharmacy and only a registered pharmacist  
12       or a technician assigned by the pharmacist in charge  
13       of the responsible pharmacy shall stock the remote  
14       dispensing machine;
- 15       (9) A reconciliation of the physical inventory of the  
16       remote dispensing pharmacy is conducted at least  
17       annually;
- 18       (10) All personnel who operate the remote dispensing  
19       machine at the remote dispensing pharmacy are properly  
20       trained. Training shall ensure the competence and  
21       ability of all personnel who operate any component of  
22       the remote dispensing machine and the remote



1           dispensing pharmacy. Documentation of training shall  
2           be kept by the responsible pharmacy; and

3       (11) The remote dispensing machine is stocked accurately  
4           and in accordance with established written policies  
5           and procedures. The pharmacist shall check the  
6           accuracy of the product supplied for stocking the  
7           remote dispensing machine.

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

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

14       (k) Prescription labels for the product dispensed from the  
15           remote dispensing machine shall only be generated at the remote  
16           dispensing pharmacy.

17       (l) Records of prescriptions filled at the remote  
18           dispensing pharmacy shall be maintained at the responsible  
19           pharmacy and shall be distinguishable from those records filled  
20           at the responsible pharmacy. All responsible pharmacies shall  
21           maintain, on-site at the remote dispensing pharmacy and have



1 available for inspection at all times, records and documentation  
2 of the following:

3 (1) All prescriptions dispensed at the remote dispensing  
4 pharmacy;

5 (2) All inventory movement at the remote dispensing  
6 pharmacy; and

7 (3) A policies and procedures manual of the remote  
8 dispensing pharmacy.

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

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

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

18 "Remote dispensing machine" means a device used for  
19 dispensing unit-of-use drugs that is operated using information  
20 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 with a  
4 population of less than one hundred thousand residents, by  
5 dispensing prescription drugs through the use of a remote  
6 dispensing machine.

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

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

13       SECTION 4. The department of commerce and consumer affairs  
14 shall submit an annual report to the legislature no later than  
15 twenty days prior to the convening of the regular legislative  
16 session, beginning with the regular session of 2009 and ending  
17 with the regular session of 2013. The report shall include  
18 information on the use of the remote dispensing machines and  
19 their financial impact, if any, on local pharmacies within a ten  
20 mile radius.

21       SECTION 5. New statutory material is underscored.



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



**Report Title:**

Remote Dispensing Pharmacy; Medication

**Description:**

Permits the operation of remote dispensing pharmacies. (SD1)

