



**Hawai'i Primary Care Association**  
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To: **House Committee on Health**  
The Hon. Josh Green, MD, Chair  
The Hon. John Mizuno, Vice Chair

House Committee on Human Services & Housing  
The Hon. Maile S. L. Shimabukuro, Chair  
The Hon. Karl Rhoads, Vice Chair

**Testimony in Support of House Bill 2001**  
**Relating to Health Care**  
**Submitted by Beth Giesting, CEO**  
**9:00 a.m. January 23, 2008**  
**Room 329**

The Hawai'i Primary Care Association strongly supports this bill which would promote the availability of telepharmacy services used by federally-qualified health centers. In overwhelming proportions, patients served by community health centers are impoverished; uninsured; and have cultural, language, and transportation barriers. Due to a variety of socio-economic challenges, it is a struggle for many health center patients to comply with physician orders, including getting a prescription filled. We believe telepharmacy is one way to improve the odds that a patient will get the recommended prescription drug and use it as directed.

Thank you for the opportunity to support this important concept and bill.



TO: REPRESENTATIVE JOSH GREEN, CHAIR  
HOUSE COMMITTEE ON HEALTH

REPRESENTATIVE MAILE SHIMABUKURO, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING

MEMBERS OF THE HOUSE COMMITTEES ON HEALTH AND  
HUMAN SERVICES AND HOUSING

FROM: CHERYL VASCONCELLOS, EXECUTIVE DIRECTOR  
HANA HEALTH

DATE: January 20, 2008

**TESTIMONY IN SUPPORT OF H.B. 2001**  
**RELATING TO TELEPHARMACY**  
**Wednesday, January 23, 2008**  
**9:00 a.m.**

I am speaking in support of H.B. 2001 Relating to TelePharmacy with changes.

Hana Health is a federally qualified health center that provides primary and urgent care services in the district of Hana on Maui. There is no pharmacy in the Hana District. The closest pharmacy is on the other side of the island more than 35 miles away. Hana Health wants to take advantage of tele-pharmacy technology in order to meet the pharmaceutical needs of our patients. Restricting the use of this technology to 340B pharmaceuticals for acute medical conditions only, greatly hampers the benefit of this technology in remote communities such as Hana where a significant portion of our patients are being treated for chronic health conditions. Please expand the scope of this legislation to include the dispensing of prescription medications for chronic health conditions. Thank you.

Testimony of  
Phyllis Dendle  
Director of Government Affairs

Before:  
House Committee on Health  
The Honorable Josh Green M.D., Chair  
The Honorable John Mizuno, Vice Chair

House Committee on Human Services  
The Honorable Maile S. L. Shimabukuro Chair  
The Honorable Karl Rhoads, Vice Chair

January 23, 2008  
9:00 am  
Conference Room 329

#### **HB 2001 RELATING TO TELEPHARMACY**

Chair Green, Chair Shimabukuro and committee members, thank you for this opportunity to provide testimony on HB 2001 permitting the remote dispensing of pharmaceuticals.

**Kaiser Permanente Hawaii supports the intent of this bill but requests the committees to instead consider HB 2490 Relating to Remote Dispensing.**

We support legislating remote dispensing for the same reasons described in this bill. We think we will see improved compliance with drug therapy if patients have immediate access to their prescriptions and we think this will offer access to medication in places where a pharmacist is unavailable onsite.

However, we think that the benefits of remote dispensing should be available throughout the state and not just in federally qualified health centers participating in the Federal 340B Pharmaceutical Purchasing Program. HB 2490 permits a wider range of participants. This bill provides very little details on the use of remote dispensing while HB2490 is more specific. In addition we think clinics where remote dispensing is available should be able to determine the kinds of products available via remote dispensing. It is conceivable, for example, that first prescriptions of drugs for chronic medical conditions such as heart disease and high cholesterol could appropriately be dispensed remotely.

We request that you hold this bill and consider passing HB2490. Thank you for your consideration.



3375 Koapaka St. D108  
Honolulu, Hawaii 96819

January 22, 2008

To: **House Committee on Health**

The Hon. Josh Green, MD, Chair  
The Hon. John Mizuno, Vice Chair

House Committee on Human Services & Housing  
The Hon. Maile S. L. Shimabukuro, Chair  
The Hon. Karl Rhoads, Vice Chair

**Testimony in Support of House Bill 2001**  
**Relating to Health Care**  
**Submitted by SueAnn Yasuoka, RPh**  
**9:00 a.m. January 23, 2008**  
**Room 329**

Times Super Market Pharmacies supports the intent of HB2001 to introduce the concept of Telepharmacy in Hawaii.

However, we recommend the following:

- Change "telepharmacy" to "remote dispensing";
- Eliminate the restrictions to medications for only acute medical conditions and include all medical conditions except narcotics;
- Eliminate the restricted use of these units to "only federally qualified health centers participating in the federal 340B Pharmaceutical Purchasing Program administered by the Pharmacy Affairs Branch of the Health Resources and Services Administration of the United States Department of Health and Human Services" and include any pharmacy;
- Incorporate or adopt the compliance conditions of SB232, as presented in the 2007 legislative session.

Thank you for the opportunity to support this important concept and bill.

**May Mizuno**

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**From:** David Peters [dpkauai@hoolalahui.org]  
**Sent:** Tuesday, January 22, 2008 12:08 PM  
**To:** HLTtestimony  
**Subject:** Testimony

*Date: January 23, 2008*

To: HOUSE COMMITTEE ON HEALTH,  
*Josh Green, MD, Chair*

COMMITTEE ON HUMAN SERVICES & HOUSING  
*Rep. Maile S. L. Shimabukuro, Chair*

From: David Peters  
Chief Executive Officer  
Ho`ola Lahui Hawai`i

**Testimony in Support**  
**HB 2001, Relating to Telepharmacy**

*Wednesday, 01-23-08 at 9:00 am in House conference room 329*

I strongly **SUPPORT** this bill which will restore telepharmacy services at Ho`ola Lahui Hawai`i, a federally qualified health center and a Native Hawaiian Health Care System. This critical service provides acute medications to patients directly at each of the two clinic sites operated by HLH. This is especially important for uninsured patients who would not otherwise obtain the drugs they need to improve their immediate health. HLH provides these medications at a reduced cost to those who otherwise would not be able to afford these medications. The technology allows HLH to reduce costs further by having a central pharmacy location dispense using the machines to dispense acute medications at each clinic.

The telepharmacy service was stopped in April of 2007 due to a change in clarification made by the Hawaii Board of Pharmacy which stated that a pharmacist must be onsite to dispense medications from the machines negating the need for the technology, increasing the costs to dispense the necessary medications, and decreasing the patient's access to the medications.

This bill is necessary for Ho`ola Lahui Hawai`i to resume this needed service in our health centers.

Thank you for the opportunity to testify in strong support of this bill.

January 21, 2008



**SUBMITTED BY:** RICHARD BETTINI  
CHIEF EXECUTIVE OFFICER  
WAIANAE COAST COMPREHENSIVE HEALTH CENTER

**TESTIMONY TO:** JOSH GREEN, CHAIR  
COMMITTEE ON HEALTH  
MAILE SHIMABUKURO, CHAIR  
COMMITTEE ON HUMAN SERVICES AND HOUSING

**HEARING:** JANUARY, 23, 2008  
9:00 AM  
CONFERENCE ROOM 329

**BILL NUMBER:** HB 2001

**COPIES:** 5

The Health Center supports HB 2001 with significant edits that are described below.

The Waianae Coast homeless and poverty-level population in Waianae is in crisis.

For the Waianae Coast Comprehensive Health Center, that provides over \$100,000 in free medicines to patients each year, remote dispensing is part of the answer to help get much needed medicines to the homeless and those with limited transportation options, the majority who are faced with multiple chronic conditions.

Remote dispensing will allow efficient delivery of necessary medications urgently needed by our patients. Unfortunately, as written, HB 2001 will **not** address what is needed for our patients on the Waianae Coast.

First of all, the terminology of telepharmacy should be changed since this is associated with a specific company. The correct term is remote dispensing.

HB 2001 **limits** dispensing prescription medications to acute medical conditions. Remote dispensing should also include medication for chronic conditions.

In addition to nurse dispensing, remote dispensing technicians should also be able to distribute medications under remote monitoring by a pharmacist.

So as not to delay the implementation of remote dispensing to our communities, we suggest that the Board of Pharmacy not have to go through a process of adopting "rules", rather, we support including the definitions and operations outlined in last years bill (SB 232) to be included in HB 2001.

**SB 232: Remote Dispensing Pharmacy; Medication** was introduced in 2007. The wording in this bill, which outlines definitions and operations, was developed through a year long process by the Hawaii Pharmacists Association and the Board of Pharmacy:

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by adding five new definitions to be appropriately inserted and to read as follows:

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

"Remote dispensing machine" means a device used for dispensing unit-of-use drugs that is operated using information technologies and is located in a remote dispensing pharmacy. Drugs dispensed from the remote dispensing machine shall be dispensed as packaged, with no changes to the drug, its strength, or its unit quantity, except for the addition of water for reconstitution of dry powder drugs. The remote dispensing machine shall have the following features to ensure that it is appropriately secure at all times and that all transactions are properly documented:

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

"Remote dispensing pharmacy" means the area in an institutional facility located in this State that is used exclusively for the storage and dispensing of pharmacy-dispensed prescription drugs through the use of a remote dispensing machine. Each remote dispensing machine shall operate with only one responsible pharmacy. The responsible pharmacy may operate with more than one remote



dispensing machine. The following must be conspicuously displayed at the remote dispensing machine:

- (1) Copy of the license of the responsible pharmacy;  
and
- (2) Copy of the license of the pharmacist-in-charge of the responsible pharmacy.

"Remote dispensing technician" means an individual who assists the pharmacist in various activities specific to the remote dispensing pharmacy, including the technical services of preparing pharmaceuticals for final dispensing while under supervision of a pharmacist.

"Responsible pharmacy" means a pharmacy that operates a remote dispensing pharmacy located in this State and holds a valid permit issued by the board pursuant to section 461-14. All responsible pharmacies shall maintain, on-site at the remote dispensing pharmacy and have available for inspection at all times, records and documentation of the following:

- (1) All prescriptions dispensed at the remote dispensing pharmacy;
- (2) All inventory movement at the remote dispensing pharmacy; and
- (3) A policies and procedures manual of the remote dispensing pharmacy."

SECTION 3. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§461- Remote dispensing pharmacy; operations.**

(a) The remote dispensing pharmacy shall be connected via live computer link, video link, and audio link to the responsible pharmacy.

(b) The remote dispensing pharmacy shall be under the direct supervision of the registered pharmacist in charge of the responsible pharmacy. The pharmacist in charge shall ensure that the remote dispensing pharmacy is in compliance with all laws and rules governing the practice of pharmacy. The pharmacist in charge shall ensure that the remote dispensing pharmacy is appropriately staffed by a qualified remote dispensing technician.

(c) The remote dispensing pharmacy shall be effectively secured to prevent unauthorized access at all times. There shall be visual oversight and continuous surveillance of the remote dispensing pharmacy by a pharmacist in the responsible pharmacy while the remote dispensing pharmacy is in operation.

(d) The remote dispensing pharmacy shall have a confidential area available for communication between the patient and the pharmacist at the responsible pharmacy.

(e) There shall be visual oversight of the final dispensing activity from the remote dispensing machine and remote dispensing pharmacy to the patient.

(f) Drugs shall not be dispensed from the remote dispensing machine and the remote dispensing pharmacy when the responsible pharmacy is closed.

(g) The remote dispensing pharmacy shall use the information technology system of the responsible pharmacy.

(h) Prescription labels for the product from the remote dispensing machine must be generated at the remote dispensing pharmacy.

(i) All prescriptions distributed at the remote dispensing pharmacy must have a label that meets the requirements set forth in section 328-16 affixed to the final drug container. The label shall list the address of the remote dispensing pharmacy.

(j) Prescription records filled at the remote dispensing pharmacy shall be maintained at the responsible pharmacy and shall be distinguishable from those records filled at the responsible pharmacy.

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

(l) An offer to counsel the patient by a pharmacist shall be made by the remote dispensing technician for all prescriptions.

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

(n) The pharmacist in charge of the remote dispensing machine shall ensure that:

- (1) Written policies and procedures are developed, prior to utilizing the machine, that ensures the safe and effective dispensing of pharmaceutical products;
- (2) No prescription drug is dispensed at the remote dispensing pharmacy until a pharmacist at the responsible pharmacy has verified the finished prescription drug using the live computer link, video link, and audio link;
- (3) Only one prescription is dispensed and labeled from the remote dispensing machine at a time;
- (4) The patient is present when the drug is dispensed from the remote dispensing machine;
- (5) The remote dispensing machine and the remote dispensing pharmacy are operating safely, accurately, and securely;

- (6) Access to the remote dispensing machine and to medications contained within or associated with the machine, including policies that assign, discontinue, or change access to the remote dispensing machine and medications, is defined;
- (7) A pharmacist licensed in this State, employed by the responsible pharmacy, has secured access to the drugs in the remote dispensing machine;
- (8) Access to the medications complies with state and federal laws, rules, and regulations;
- (9) If a patient refuses the prescription drug at the time it is dispensed, the prescription drug is locked in a secured cabinet and accessible only by a pharmacist of the responsible pharmacy;
- (10) There is proper inventory control at the remote dispensing pharmacy and only a registered pharmacist of the responsible pharmacy shall stock the remote dispensing machine;
- (11) A reconciliation of the physical inventory of the remote dispensing pharmacy is conducted at least annually;
- (12) All personnel who operate the remote dispensing machine at the remote dispensing pharmacy are properly trained. Training shall ensure the

competence and ability of all personnel who operate any component of the remote dispensing machine and the remote dispensing pharmacy. Documentation of training shall be kept by the responsible pharmacy;

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

(14) Entry to the remote dispensing pharmacy is limited to authorized personnel only.

(o) The pharmacist of the responsible pharmacy is responsible for the integrity of the drugs in the remote dispensing machine and that drugs for machine are provided to the remote dispensing pharmacy only from the responsible pharmacy."

SECTION 4. Section 461-9, Hawaii Revised Statutes, is amended to read as follows:

**"§461-9 Pharmacist in charge; pharmacy personnel.**

(a) A registered pharmacist shall be in personal and immediate charge of the pharmacy and personnel employed in the pharmacy. Temporary absences of the registered pharmacist shall be unlawful except for periods of time and

under circumstances as authorized under the rules of the board. During any absence of the registered pharmacist, prescriptions may not be filled, compounded, or received by telephone and no drugs shall be sold; provided that this shall not preclude the sale at those times of things that might be sold were the pharmacy a store not subject to this chapter. No person other than a registered pharmacist or a pharmacy intern under the registered pharmacist's immediate supervision shall fill or compound prescriptions except as provided by subsection (c).

(b) No person shall practice as a pharmacy intern without having first obtained a permit from the board. The board shall adopt rules pursuant to chapter 91 defining the functions of a pharmacy intern, establishing the requirements to be met by an applicant for a pharmacy intern permit, and specifying the duration of the permit and the procedures for the immediate supervision of the pharmacy intern by a registered pharmacist.

(c) A pharmacy technician or remote dispensing technician may be employed to assist the registered pharmacist under rules adopted by the board pursuant to chapter 91 that define the qualifications and functions of the pharmacy technician or the remote dispensing technician

and provide the procedures for control and supervision by a registered pharmacist.

(d) A remote dispensing technician shall be directly responsible to the responsible pharmacy and shall be under continuous supervision at the remote dispensing pharmacy by a registered pharmacist at the responsible pharmacy."



**PRESENTATION OF THE  
BOARD OF PHARMACY**

TO THE HOUSE COMMITTEE ON HEALTH

AND

TO THE HOUSE COMMITTEE ON HUMAN SERVICES & HOUSING

TWENTY-FOURTH LEGISLATURE  
Regular Session of 2008

Wednesday, January 23, 2008  
9:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 2001, RELATING TO TELEPHARMACY.**

TO THE HONORABLE JOSH GREEN, CHAIR,  
TO THE HONORABLE MAILE S. L. SHIMABUKURO, CHAIR,  
AND MEMBERS OF THE COMMITTEES:

My name is Dr. Elwin Goo, Chairperson of the Board of Pharmacy ("Board") and I appreciate the opportunity to present testimony on behalf of the Board. Subject to amendments to House Bill No. 2001, which the Board believes would benefit more residents of the State of Hawaii, the Board would support this bill.

The purpose of this bill authorizes the use of telepharmacy technology by those pharmacies that service certain federally qualified health centers participating in the federal 340B Pharmaceutical Purchasing Program of the federal government. It also appears the bill is crafted to apply to one particular federally qualified health center. This bill further limits prescription drugs dispensed using this technology to those prescription medications for acute medical conditions. Lastly, to implement the practice of telepharmacy, the Board is to promulgate administrative rules.

First, the Board is not in support of a law that has a limited scope of application. The Board supports the practice of telepharmacy and believes it is a technology that should be afforded to all pharmacies. In turn, a broader segment of Hawaii residents can be afforded easier access to meet their healthcare needs.

The Board further wishes to iterate that requirements to practice telepharmacy should not reflect the practice of only one pharmacy. While the Board does not dispute the credibility of Hoola Lahui Hawaii, crafting a law applicable only to its operation is inappropriate and, more so, would not conform to standards the Board has established in supporting telepharmacy.

For the Committee's information, S.B. No. 232, Relating to Remote Dispensing Pharmacies, was introduced during the 2007 legislative session but was not heard. S.B. No. 232 was a product of numerous meetings with the Board and the Hawaii Pharmacists Association to develop requirements and criteria for the use of such technology to ensure the safe handling and dispensing of prescription medications for patient safety. It is the standards and requirements set forth in S.B. No. 232, Sections 2 through 6, that the Board supports. It is a proposal that applies to all pharmacies and is geared towards optimum access for and protecting consumers. Except for controlled substances, there is no limitation on the medications that can be dispensed from a remote dispensing pharmacy. Further, as requirements and standards are set forth in S.B. No. 232, the necessity for rules is mitigated, allowing for immediate implementation effective upon approval of the bill.

The Board presumes that the requirements and standards set forth in S.B. No. 232 may not be attainable by Hoola Lahui Hawaii. However, despite its good practices now, the Board cannot compromise what it believes are minimum standards for the safe operation of a remote dispensing pharmacy and overall patient safety.

The Board strongly requests that sections 2 through 6 of S.B. No. 232 replace sections 2 and 3 of H.B. No. 2001. Further, as referred to in S.B. No. 232, the Board finds the use of the generic term "remote dispensing pharmacy", instead of the term "telepharmacy", to be a more accurate description of the activity. Also as "Telepharmacy" is part of the name of a company

Testimony on House Bill No. 2001  
January 23, 2008  
Page 3

that developed this technology, referring to "Telepharmacy" may inadvertently limit the use of this remote dispensing technology to only one manufacturer.

We ask your favorable consideration of our amendments to this bill and thank you for the opportunity to testify on House Bill No. 2001.