

# LATE TESTIMONY

February 3, 2008

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**TESTIMONY TO:** SENATOR DAVID IGE, CHAIR  
COMMITTEE ON HEALTH

**HEARING:** FEBRUARY 4, 2008  
1:15 PM  
CONFERENCE ROOM 016

**BILL NUMBER:** SB 2406

**COPIES:** 1

The Health Center supports SB 2406 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, SB 2406 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.

SB 2406 **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 SB 2406.

**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."