

SB2459

Measure Title:
RELATING TO REMOTE DISPENSING.

Report Title:
Remote Dispensing Pharmacies

Description:
Provides for the establishment of remote dispensing pharmacies.

Introducer(s):
CHUN OAKLAND

Current Referral:
HTH, CPH

**PRESENTATION OF THE
BOARD OF PHARMACY**

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FOURTH LEGISLATURE
Regular Session of 2008

Monday, February 11, 2008
1:15 p.m.

TESTIMONY ON SENATE BILL NO. 2459, RELATING TO REMOTE DISPENSING.

TO THE HONORABLE DAVID Y. IGE, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Patrick Adams, industry member of the Board of Pharmacy ("Board") and I appreciate the opportunity to present testimony on behalf of the Board. The Board takes no position at this time on S.B. No. 2459 but notes that we are on record in support of a similar measure, S.B. No. 2406 with amendments, which is on your 1:20 p.m. agenda for decision making.

The purpose of S.B. No. 2459 is to permit pharmacists and pharmacies to utilize remote dispensing technology. This bill includes requirements and criteria for the use of such technology to ensure the safe handling and dispensing of prescription medications for patient safety.

As the Board has not had an opportunity to review and discuss S.B. No. 2459, we are unable to take a position on this bill. However, as there are several vehicles on this subject matter, the Board asks the Committee to consider instead, the contents of S.B. No. 232, Relating to Remote Dispensing Pharmacies, that was introduced during the 2007 legislative session. The Board supported this bill and only requested technical, non-substantive changes. And as stated earlier, the Board is in support of S.B. No. 2406, Relating to Telepharmacy, should the bill be amended to remove the limitations on where such facilities may be situated, the type of drugs to be dispensed, and the necessity for the Board to promulgate administrative rules.

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In closing, the Board supports the practice of remote dispensing 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.

Thank you for the opportunity to testify on Senate Bill No. 2459.

testimony

From: David Peters [dpkauai@hoolalahui.org]
Sent: Friday, February 08, 2008 4:26 PM
To: testimony
Subject: SB 2549 2/11/08 # 016 1:15pm

February 11, 2008

To: COMMITTEE ON HEALTH
 Senator David Y. Ige, Chair
 Senator Carol Fukunaga, Vice Chair

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

RE: In **OPPOSITION** to SB ~~2549~~⁴⁵⁹

February 11, 2008 1:15pm Conference Room 016

We at Ho`ola Lahui Hawai`i are **opposed** to SB ~~2549~~⁴⁵⁹ relating to remote dispensing of telepharmacy. The bill with good intent in its current form is overly restrictive in its application and was drafted by individuals who have little or no experience in operating remote dispensing machines for the purpose of telepharmacy.

Ho`ola Lahui Hawai`i a federally qualified health center and a Native Hawaiian Health Care System began installing telepharmacy units in its own clinics and several other Native Hawaiian Health Care Systems and Federally Qualified Health Centers across the state of Hawaii.

The purpose of this technology was to support pharmacy needs in remote areas with limited access to pharmaceutical drugs and/or to assist low income patients not covered by Medicaid to gain access to low cost medications in the clinic setting.

Our licensed pharmacy began dispensing in October 2005 and was operating three other clinic's units until April 2007 when the board of pharmacy made a formal ruling that a pharmacist must be at the site of the remote dispensing machine to be in compliance with current law. This meant that we could no longer dispense from the units because the previous approval of the technology was only the machine not who retrieved the medications from the machine. This of course immediately prompted us to cease our telepharmacy operations.

We tried unsuccessfully last year at the end of the session to put in language to assist us in continuing our practice of remote dispensing.

Rather than support SB 2459 that is overly restrictive crafted without the input of individuals such as our pharmacists who have experience in remote dispensing we would support the language in the HB 2001, HD1 with an additional amendment to include a statement in

2/8/2008

SECTION 2. 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) A remote dispensing pharmacy shall not be operated in any county with a population greater than one hundred thousand residents OR WITHIN A FIVE MILE RADIUS OF AN EXISTING PHARMACY IF THE POPULATION IS GREATER THAN ONE HUNDRED THOUSAND RESIDENTS.

While we support the intent of the bill it does not adequately and appropriately address the use of remote dispensing equipment. There is also great fear among smaller pharmacies that this will somehow put them out of business. While we do not think this will be the case we are therefore supporting the HB 2001, HD1 which has a protective clause for smaller pharmacies.

We would also like to state for the record that some communities such as Lanai and Hana do not have pharmacies and this technology will allow them to have medications in their communities.

Thank you for the opportunity to testify on this bill.

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Testimony of
Jerry Smead, RPh and Barbara Kashiwabara, RPh, Pharm.D.
Co-Chairs, Government Affairs Committee

Before:
Senate Committee on Health
The Honorable David Y. Ige, Chair
The Honorable Carol Fukunaga, Vice Chair

February 11, 2008
1:15pm
Conference Room 016

SB 2459 Relating to Remote Dispensing

Chair Ige, Vice Chair Fukunaga and Committee members. Mahalo for this opportunity to provide testimony on SB 2459 which will permit the operation of remote dispensing pharmacies.

The Hawaii Pharmacists Association supports this bill, as it reflects the collaborative work done in 2007 by the Association, the Board of Pharmacy, the Department of Health Food & Drug Branch, the Narcotics Enforcement Division, as well as various pharmacies and health care organizations.

Enabling remote dispensing pharmacies via passage of this bill will help meet the pharmaceutical needs of patients in various settings and for various health care conditions using innovative and secure technology. In November 2007, the Hawaii Pharmacists Association sponsored a Remote Dispensing demonstration day at the State Capitol to familiarize the Legislators with this technology and to answer any questions and/or concerns related to use of this technology. The demonstration was well attended and information shared that day is still available from the Hawaii Pharmacists Association, upon request.

Remote dispensing technology can be used in areas within the state where there is no licensed pharmacy, or when access to a licensed pharmacy is limited, or at times of the day or week where pharmacist availability is limited due to the national shortage of pharmacists, such as on "graveyard" shifts, evenings, weekends, or holidays.

The Hawaii Pharmacists Association recommends the following minor amendments:

1. Add “Allow the physical presence of the patient **or patient representative** when the drug is dispensed from the remote dispensing machine;” which will allow use of this technology for family members or caregivers of the patient to receive prescriptions from the remote dispensing pharmacy.
2. Delete “only a pharmacist of the responsible pharmacy shall stock the remote dispensing machine;” since the technology has adequate and sufficient checks and balances to ensure the integrity of the drugs in the remote dispensing machine without incurring additional costs associated with the pharmacist traveling to the remote dispensing pharmacy to stock the machine. In addition, the pharmacist of the responsible pharmacy still maintains responsibility for the integrity of the drugs and the entire dispensing process, including supervision of the remote dispensing technician who may be better positioned to stock the remote dispensing machine.

We ask for your favorable consideration of these amendments to this bill, recommend passage of this bill with amendments, and thank you for this opportunity to testify on SB 2459.