
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. Access to medications and
4 pharmacy services is also critical for individuals who are
5 privately insured residing on rural islands and in remote areas
6 where there are no pharmacies. Without access to a pharmacy,
7 individuals face tremendous barriers to obtaining basic, much-
8 needed medications.

9 The purpose of this Act is to permit residents on rural
10 islands and remote areas to have access to a remote dispensing
11 pharmacy for the purpose of obtaining medications regardless of
12 the type of medical insurance that they may have.

13 SECTION 2. Section 461-10.5, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending its title and subsections (a), (b), (c),
16 and (d) to read:

1 " ~~[+]~~§461-10.5~~[+]~~ **Remote dispensing pharmacy; operations.**

2 (a) A remote dispensing pharmacy shall be under the direct
3 supervision of the registered pharmacist in charge of the
4 responsible pharmacy who shall:

5 (1) Ensure that the remote dispensing pharmacy is in
6 compliance with all laws and rules governing the
7 practice of pharmacy and remote dispensing;

8 (2) Ensure that the remote dispensing pharmacy is
9 appropriately staffed by a qualified remote dispensing
10 technician; and

11 (3) Be responsible for the integrity of the drugs in the
12 remote dispensing machine and ensure that drugs for
13 the remote dispensing machine are provided to the
14 remote dispensing pharmacy only from the responsible
15 pharmacy.

16 (b) ~~[Physical set-up.]~~ A remote dispensing pharmacy
17 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]~~ and limit entry to
21 authorized personnel only;

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

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

14 (c) No remote dispensing pharmacy shall operate within a
15 five mile radius of any pharmacy as defined under section 461-1;
16 provided that:

17 (1) This subsection shall not apply to any remote
18 dispensing pharmacy established prior to July 3, 2008
19 that has previously dispensed and will continue to
20 dispense only prescription medications acquired
21 pursuant to section 340B of the Public Health Service
22 Act, Title 42 United States Code section 256b; [~~and~~]

1 (2) If an appropriately designated pharmacy, as defined in
2 section 461-1, is established within a five mile
3 radius of an existing remote dispensing pharmacy
4 exempted by this subsection, all appropriate measures
5 shall be taken to encourage the relocation of the
6 existing remote dispensing machine within the newly
7 established pharmacy[-]; and

8 (3) This subsection shall not apply to any remote
9 dispensing pharmacy established in a facility operated
10 by a health maintenance organization regulated
11 pursuant to chapter 432D for the exclusive use of
12 patients served at the facility.

13 (d) Remote dispensing pharmacies shall not provide
14 medications to patients with health insurance coverage, except
15 for [~~patients~~]:

16 (1) Patients covered by QUEST[-];

17 (2) Patients served at a facility operated by a health
18 maintenance organization regulated pursuant to chapter
19 432D; and

20 (3) Patients residing on an island without a pharmacy or
21 in remote areas where there are no pharmacies within a
22 five mile radius of an existing pharmacy. A remote

1 dispensing pharmacy established pursuant to this
2 subsection may continue to operate in the same
3 location if a pharmacy is subsequently established on
4 the same island as the remote dispensing pharmacy or
5 in the remote area that is not within a five mile
6 radius of an existing pharmacy; provided that the
7 remote dispensing pharmacy shall no longer be
8 authorized to dispense controlled substances."

9 2. By amending subsections (g), (h), (i), and (j) to read:

10 "(g) Each remote dispensing machine shall be operated by
11 only one responsible pharmacy. A responsible pharmacy may
12 operate [~~through~~] more than one remote dispensing machine.

13 (h) The remote dispensing machine shall have the following
14 features to ensure that it is appropriately secure at all times
15 and that all transactions are properly documented:

16 (1) Secure double-locked cabinets;

17 (2) Bar-coding or similar technology that effectively
18 recognizes the product;

19 (3) A cabinet that delivers only one bar-coded unit-of-use
20 container per [~~dispense,~~] dispensation, per
21 prescription;

1 (4) A scanner and printer that, upon releasing the unit-
2 of-use container from the remote dispensing machine,
3 [~~the container is scanned~~] scans the container to
4 confirm it is the correct container, and [~~with that~~
5 ~~confirmation, the printer will print~~] if confirmed,
6 prints a patient-specific label that has a bar code
7 which is scanned to confirm it is the correct label
8 for the prescription; and

9 (5) A video component that allows the patient to have a
10 "face-to-face" consultation with the pharmacist at the
11 responsible pharmacy.

12 (i) A pharmacist shall be in charge of the remote
13 dispensing machine and shall ensure that:

14 (1) Written policies and procedures are developed [~~prior~~
15 ~~to using the machine~~] before the machine is used that:

16 (A) Ensure the safe and effective dispensing of
17 pharmaceutical products;

18 (B) Ensure that the remote dispensing pharmacy and
19 the remote dispensing machine [~~is~~] are operating
20 safely, accurately, and securely; and

21 (C) Define the conditions for access to the remote
22 dispensing machine and to medications contained

1 within or associated with the machine, including
2 policies that assign, discontinue, or change
3 access to the remote dispensing machine and
4 medications;

5 (2) A pharmacist licensed in this State and employed by
6 the responsible pharmacy has secured access to the
7 drugs in the remote dispensing machine;

8 (3) Access to the [~~medications~~] drugs in the remote
9 dispensing machine complies with state and federal
10 laws, rules, and regulations;

11 (4) No prescription drug is dispensed at the remote
12 dispensing pharmacy until a pharmacist at the
13 responsible pharmacy has verified the finished
14 prescription;

15 (5) Only one prescription is dispensed and labeled from
16 the remote dispensing machine at a time;

17 (6) All prescriptions dispensed have a label affixed to
18 the final drug container that meets the requirements
19 set forth in section 328-16 and includes the address
20 of the remote dispensing pharmacy;

- 1 (7) If a patient refuses the prescription drug at the time
2 it is dispensed, the prescription drug is locked in a
3 secured cabinet;
- 4 (8) There is proper inventory control at the remote
5 dispensing pharmacy and only a registered pharmacist
6 or a remote dispensing technician assigned by the
7 pharmacist in charge of the responsible pharmacy shall
8 stock the remote dispensing machine;
- 9 (9) A reconciliation of the physical inventory of the
10 remote dispensing pharmacy is conducted at least
11 annually;
- 12 (10) All personnel who operate the remote dispensing
13 machine at the remote dispensing pharmacy are properly
14 trained. Training shall ensure the competence and
15 ability of all personnel who operate any component of
16 the remote dispensing machine and the remote
17 dispensing pharmacy. Documentation of training shall
18 be kept by the responsible pharmacy; and
- 19 (11) The remote dispensing machine is stocked accurately
20 and in accordance with established written policies
21 and procedures. The pharmacist shall check the

1 accuracy of the product supplied for stocking the
2 remote dispensing machine.

3 (j) Controlled substances shall not be dispensed from any
4 remote dispensing machine or remote dispensing pharmacy~~[-]~~,
5 except:

6 (1) On islands without a pharmacy, or in remote areas not
7 within a five mile radius of an existing pharmacy; and

8 (2) Any remote dispensing pharmacy established in a
9 facility operated by a health maintenance organization
10 regulated pursuant to chapter 432D for the exclusive
11 use of patients served at the facility."

12 3. By amending subsection (o) to read:

13 "(o) This section shall not apply to:

14 (1) Mobile medical clinics, provided that no such clinic
15 shall operate in counties with a population less than
16 ~~[100,000]~~ one hundred thousand persons; or

17 (2) Federally qualified health centers, provided that no
18 remote dispensing pharmacy shall operate within a five
19 mile radius of any pharmacy as defined under section
20 461-1, except for those federally qualified health
21 centers that are exempt under ~~[section~~
22 ~~461-10.5(e)(2)-]~~ subsection (c)(1).

1 As used in this subsection, "mobile medical clinic" means a
2 motor vehicle retrofitted for exclusive use as a medical office
3 or clinic for medical services licensed under chapter 321."

4 SECTION 3. Act 212, Session Laws of Hawaii 2008, is
5 amended by amending section 7 to read as follows:

6 "SECTION 7. This Act shall take effect upon its approval
7 [~~and shall be repealed on January 2, 2013~~].

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Remote Dispensing Pharmacy; Health Insurance; Prescription
Drugs; Remote Areas

Description:

Authorizes remote dispensing pharmacies to provide medications
to patients with health insurance coverage; allows remote
dispensing pharmacies to dispense controlled substances. (SD1)