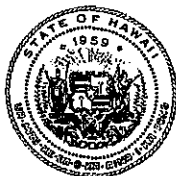


LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Consumer Protection and Commerce
SB 2390, SD2, HD1, RELATING TO PHARMACIST LICENSURE

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

March 24, 2010, 2:00 p.m.

1 **Department's Position:** The Department of Health opposes this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** Part I of this measure seeks to address specific requirements for those in
4 training to be become licensed pharmacists in our state; whereas, Part II seeks to amend the definition of
5 "practice of pharmacy" for those already licensed, by changing the age of persons to whom
6 immunizations are administered from ages 18 years or older to ages 9 years or older with parental
7 consent contingent upon the Governor's determination of a public health necessity. The Department
8 feels that the two are separate issues that should be considered separately and that the first should be
9 advised by pharmacology academic bodies as well as the Board of Pharmacy. Therefore, the
10 Department focuses the following testimony only on Part II and must oppose the current bill based on
11 that part.

12 During a public health emergency such as an influenza pandemic, authorizing the Governor to
13 increase capacity to deliver a specific life-saving vaccination to our children is certainly desirable.
14 However, the current measure was introduced without consultation with the state's critical stakeholders,
15 such as local professional bodies representing pharmacists, pediatricians, and other immunization

1 providers as well as the Department of Health. There was no collaborative determination of whether the
2 current measure is necessary or what our children's needs are. For example, the formulation of this
3 measure did not consider that Hawaii stands unique among the 50 states in having a successful statewide
4 school-located flu vaccination program that ably met the vaccination needs of many children ages 5-13
5 years during the current pandemic and relieved much of the burden on pediatricians and other medical
6 providers. There has also been no collaborative development of appropriate wording to address
7 stakeholders' concerns for ensuring the appropriate administration of vaccinations to children or for
8 recording those vaccinations; the amendment to the original bill (addition of "contingent upon the
9 Governor's determination of a public health necessity") does not serve as an adequate surrogate for
10 addressing these concerns.

11 Based on a recent meeting with critical stakeholders, the Department has determined that while
12 there is a strong desire among all to address the important issue of protecting our children through
13 increasing their vaccination opportunities, there is no consensus as yet regarding the optimal methods to
14 accomplish this objective. Therefore, the Department, with the support of the Senate, continues to
15 recommend that, rather than pursuing current legislative action, the more appropriate course would be to
16 engage critical stakeholders to evaluate the pros and cons and further discuss the issue, develop
17 consensus, then establish an appropriate plan to ensure the health and welfare of our children.

18 Thank you for this opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

S.B. NO. 2390, S.D. 2, H.D. 1, RELATING TO PHARMACIST LICENSURE.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Wednesday, March 24, 2010 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Mark J. Bennett, Attorney General, or
James F. Nagle, Deputy Attorney General

Chair Herkes and Members of the Committee:

The Department of the Attorney General has a legal concern with this bill.

The purpose of the bill is to clarify what training in advanced pharmacy practice, performed under the supervision of a registered pharmacist, would count towards the requirements for licensure. The bill makes amendments to recognize training that occurs not just in the fifty states but also in territories of the United States and also allows training to occur outside of traditional pharmacy settings.

However, part II of the bill amends the "practice of pharmacy" by permitting pharmacists to administer immunizations to persons nine years of age and older subject to parental consent and the Governor's determination of a public health necessity. That section could be unlawful under article III, section 14 of the Hawaii Constitution, which provides that each law shall embrace but one subject, which shall be expressed in its title. The title of the bill relates to "pharmacist licensure." This bill could be challenged on the grounds that this title is too narrow to encompass changes to the "practice of pharmacy." This problem could be avoided by deleting part 2 from the bill.

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UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
March 24, 2010 at 2:00 p.m.

by

Ronald T. Taniguchi, Pharm. D.
Director of Community Partnerships
College of Pharmacy, University of Hawai'i at Hilo

SB 2390 SD2 HD1 RELATING TO PHARMACIST LICENSURE

Chair Herkes, Vice Chair Wakai and Members of the Committee:

On behalf of the University of Hawai'i at Hilo (UHH) College of Pharmacy, thank you for the opportunity to support SB 2390 SD2 HD1. The education of future pharmacists and community leaders who will improve healthcare in Hawai'i and throughout the Pacific Basin is a key mission of the College of Pharmacy. Beginning in May 2010, passage of this bill will enable fourth year student pharmacists who perform advanced pharmacy practice experience rotations in a United States territory or the District of Columbia to have those hours of practical experience count toward meeting the 1500 hours required for licensure as a pharmacist.

Passage of SB 2390 SD2 HD1 will encourage student pharmacists from the United States territories in the Pacific Basin such as American Samoa, Guam and the Northern Marianas Islands to enroll at UHH and the College of Pharmacy. This measure will provide opportunities for students to return for advanced pharmacy practice experience rotations and improve the level of healthcare in their home territories. Finally, this will expand the number of diverse practical experience rotations that the College of Pharmacy can offer to all its 85–90 fourth year student pharmacists.

Thank you for this opportunity to testify.

**PRESENTATION OF THE
BOARD OF PHARMACY**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Wednesday, March 24, 2010
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2390, S.D.2, H.D.1, RELATING TO
PHARMACIST LICENSURE.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Patrick Adams and I am a member of the Board of Pharmacy ("Board") and I appreciate the opportunity to present testimony on behalf of the Board. We support Sections 1, 2, and 3 of this bill that would allow the Board to recognize practical pharmacy experience for a pharmacist license, to include experience obtained in territories of the U.S. and the District of Columbia and at designated advanced practice locations under the supervision of a registered pharmacist.

However, the Board **opposes Section 4** of the bill that amends the definition of the "Practice of pharmacy" to allow a Hawaii licensed pharmacist to administer immunizations to persons at least nine years of age with parental consent and contingent upon the governor's determination of a public-health necessity. Having met with the stakeholders involved with this issue, there does not appear to be consensus among the parties. The Board is currently supporting House Bill No. 2464, H.D.2, S.D.1 which instead establishes a

Testimony on Senate Bill No. 2390, S.D.2, H.D.1
Wednesday, March 24, 2010
Page 2

temporary task force, to be called the Pharmacy-Administered Vaccinations to Minors Task Force, which shall investigate the concerns raised by the stakeholders of this issue and to report back to the 2011 Legislature with recommendations.

We respectfully request that this bill be amended to delete Section 4 so that the Board may continue to work with other stakeholders on the concerns of pharmacists providing immunizations to minors.

Thank you for the opportunity to provide testimony on Senate Bill No. 2390, S.D.2, H.D.1.

| DRAFT

March 19, 2010

The Honorable Robert Herkes, Chair
House Consumer Protection and Commerce Committee

RE: Senate Bill 2390 – Relating to Pharmacy Licensure

Dear Honorable Members of the Committee:

On behalf of the members of the National Association of Chain Drug Stores (NACDS) operating in Hawaii, I would like to **support with amendments** the current language in Part II, Section 4. Subsection (2) (E).

The members of NACDS operating in Hawaii include: Costco, Longs (CVS), PharmaCare, Kmart (Sears), Times Supermarket, Walgreens and Wal-Mart. Our members operate 68 stores, employ 8,480 full and part-time employees and pay in excess of \$142 million in state and local taxes.

The issue of concern for our members is expanding the ability of pharmacists to administer immunizations to those at least nine years of age with parental consent, without being contingent on a public health necessity.

By virtue of their education, pharmacists are highly educated healthcare professionals who are trained in the intricacies of proper medication use and administration. The six year pharmacy curriculum which results in a Doctor of Pharmacy degree focuses extensively preparing pharmacists to provide, assess and coordinate safe, accurate and time-sensitive medication distribution and to improve outcomes through pharmaceutical care. **Beyond their extensive education, pharmacists who wish to administer immunizations in their practice must further complete an education and training program designed to teach the skills necessary to properly administer vaccines to patients.** These programs teach the basics of immunology and focus on implementing the skills and knowledge regarding safe and effective vaccine administration into the pharmacist's practice.

Despite the availability of effective immunizations, many Americans remain unvaccinated and susceptible to vaccine-preventable diseases. An Institute of Medicine Report estimates that more than 300 children in the United States die each year from vaccine-preventable diseases or their complications.ⁱ However, the United States Department of Health and Human Services has found that immunizations, including those administered by pharmacists, help prevent 14 million cases of disease and 33,000 deaths yearly.ⁱⁱ

Immunizations are the best defense against morbidity and mortality for diseases for which vaccines are available. Studies have shown that pharmacist provided immunization services increase the overall immunization rates including physician-administered vaccinations.ⁱⁱⁱ By allowing pharmacists in Kansas to provide immunizations services to children in Kansas, this could lead to increased childhood vaccination rates throughout the state.

Community pharmacies play a key role in providing easily accessible, convenient, and cost effective immunizations services. These factors could encourage busy parents, who might otherwise not go through the trouble of scheduling an appointment for certain vaccines, to do so and may consequently serve reduce the number of inadequately vaccinated children.

Community pharmacies provide patients with easily accessible, convenient and cost effective locations for immunization services without the need for the cost of a physician visit. There are 134 community pharmacies in the State of Hawaii that are open on weekends and evenings making it convenient for patients and they offer these services without the need for an appointment.

I respectfully request that the language in Senate Bill 2390 be amended to read:

Part II. Section 4. Subsection (2) (E) Administering immunizations orally, by injection, or by intranasal delivery, to persons at least nine years of age with parental consent and contingent upon the governor's determination of a public health necessity or eighteen years of age or older, by a pharmacist having appropriate training that includes programs approved by the ACPE, curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;

By allowing trained pharmacists to administer vaccinations to those at least nine years of age, you will go a long way toward improving the health and welfare of the citizens of Hawaii and allow the children of Hawaii to grow up without the threat of contracting unnecessary diseases.

ⁱ Institute of Medicine Report. Shaping the Future For Health – Calling the Shots – Immunization Finance Policies and Practice. http://books.nap.edu/html/calling_the_shots/reportbrief.pdf

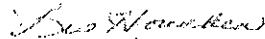
ⁱⁱ Department of Health and Human Services, Fiscal Year 2008. Centers for Disease Control and Prevention. *Justification of Estimates for Appropriation Committees*. Available:http://www.317coalition.org/documents/cdc_fy2008budget_immunization.pdf.

ⁱⁱⁱ Field RI. Pharmacists set to become more active clinicians in Pennsylvania. *P & T*. 2006;31:100,105; Jelesiewicz E. Pennsylvania pharmacists could soon be "calling the shots." *Temple Times* (online edition). March 17, 2005. Available at: www.temple.edu/temple_times/3-17-05/pharmacy.html.

The members of the National Association of Chain Drug Stores stand ready to work with the Legislature on this issue and respectfully ask you to consider our proposed amendment, to improve patient outcomes through more convenient access to immunizations.

Thank you for the opportunity to submit testimony.

Sincerely,



Lis Houchen
NW Regional Director
State Government Affairs
130 18th Avenue SE
Olympia, WA 98501
lhouchen@naeds.org
(360) 480-6990

Testimony of
Phyllis Dendle
Director Government Relations

Before:
House Committee on Consumer Protection and Commerce
The Honorable Robert N. Herkes, Chair
The Honorable Glenn Wakai, Vice Chair

March 24, 2010
2:00 pm
Conference Room 325

SB 2390 SD2 HD1 RELATING TO PHARMACIST LICENSURE

Chair Herkes and committee members, thank you for this opportunity to provide testimony on SB2390 SD2 HD1 which in part one broadens the opportunities for pharmacy students to get their practical experience and in part two revises the practice of pharmacy regarding giving immunizations to children.

Kaiser Permanente Hawaii supports part one this bill

Hawaii has experienced a shortage of pharmacists for several years. The addition of University of Hawaii at Hilo College of Pharmacy to our state has the potential to improve the availability of pharmacists who want to practice in Hawaii. This bill expands their opportunities to get practical experience in a variety of settings in territories as well as other states. This may help the students to find more opportunities that could hasten the completion of their education. It also may be a real help to these additional territories who will get the benefit of the work of Hawaii's students.

We urge you to pass part one of this bill and thank you for your consideration.



March 23, 2010

The Honorable Robert N. Herkes
Chair, Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 320
Honolulu, Hawaii 96813

Re: S.B. 2390, SD2, HD2 – Relating to Pharmacist Licensure
Hearing: Wednesday, March 24, 2010 at 2:00 p.m.

Dear Chair Herkes and Members of the Committee on Consumer Protection & Commerce:

I am Mihoko Ito, an attorney with Goodsill Anderson Quinn & Stifel, testifying on behalf of Walgreen Co. (“Walgreens”). Walgreens operates and offers immunization services in all 50 states, the District of Columbia and Puerto Rico. In Hawai‘i, Walgreens now has 9 stores on the islands of Maui and Oahu.

Walgreens supports **Section 4 of S.B. 2390, SD2, HD2**, which amends the definition of “practice of pharmacy” by allowing immunizations to be administered to persons who are at least nine years of age with parental consent contingent upon the Governor’s determination of a public health necessity effective July 1, 2020. However, Walgreens notes that it prefers that pharmacists be permitted to administer vaccines with parental consent, without an emergency declaration; as is the case in approximately 18 states currently.

Allowing pharmacists to administer vaccinations is a low-cost and convenient way to meet an important public health need. Studies have shown that in states in which pharmacists are allowed to administer vaccines, the vaccine coverage rates are increased for the target population.

Pharmacists are required to receive specialized training to administer vaccinations. Presently, Walgreens pharmacists who participate in vaccine programs go through a “Pharmacy-Based Immunization Delivery” certificate training program offered by the American Pharmacists Association and recognized by the Centers for Disease Control and Prevention (CDC), or a state approved equivalent program. In addition to immunization training, all participating pharmacists are required to become certified in adult and child CPR and take OSHA blood-borne pathogens training. These programs include training to administer vaccines for children nine years of age and older.

Walgreens supports the original bill because it gives properly trained and certified pharmacists authority whereby they, upon proper eligibility screening, can administer any approved vaccine to an eligible patient at least 9 years of age.

Lowering the age restrictions for pharmacist-administered vaccines will improve access to life-saving vaccines and serve as a valuable preventative tool. It would also allow for a quick and effective response to vaccinate a large number of people in the event of a public health emergency in Hawai‘i.

Walgreen Co. Government and Community Relations 104 Wilnot Road, MS 1444 Deerfield, IL 60015
847-315-4653 FAX 847-315-4417 www.walgreens.com

2892980.1

Walgreens respectfully requests that the Committee pass this measure in its original form.
Thank you very much for the opportunity to testify.

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Wednesday, March 24, 2010
2:00 pm.

**TESTIMONY ON SENATE BILL NO. 2390, S.D. 2, H.D. 1, RELATING TO
PHARMACIST LICENSURE.**

TO:

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

My name is Bruce Cohen and I am Vice President of PHI Pharmacies located on the island of Saipan in the Northern Marianas Islands. I want to thank you for the opportunity to present testimony in strong support of Senate Bill No. 2390. This bill is to broaden the practical experience requirements for a pharmacist license to include experience obtained in the U.S. territories and the District of Columbia and removes the requirement that supervision must take place in a pharmacy. This bill also broadens the experience requirements to relate to the practice of pharmacy.

The Northern Marianas suffers from a severe shortage of qualified pharmacists. We have shortages of qualified pharmacists at every level of pharmacy especially in acute and community care. Having students from the University of Hilo intern in Saipan will assist in alleviating this shortage.

Therefore I respectfully support the amendment to Section 461-1 to appropriately insert and to read as follows:

“Territory” means Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam or American Samoa.”

I also strongly support the addition to Section 461-5 paragraph 3 to read:

“Has a minimum of fifteen hundred hours practical experience in any state or territory of the United States, or the District of Columbia, under the supervision of a pharmacist who is duly registered or licensed in the state, territory, or district where the experience is obtained.”

Respectfully submitted

Bruce Cohen, RPh,
Vice President, PHI Pharmacies
Saipan, MP
(670) 323-5000



Hawaii District Office: 2270 Hoonea Place, Honolulu, Hawaii 96819

LATE TESTIMONY

Representative Robert Herkes, Chair
House Committee on Consumer Protection & Commerce

Wednesday, March 24, 2010; 2:00 p.m.
Hawaii State Capitol - Conference Room 325

RE: SB 2390 SD2 HD1 - Relating to Pharmacist Licensure

Chair Herkes, Vice Chair Wakai, and members of the Committee:

My name is Todd Inafuku with CVS Caremark/Longs Drugs ("Longs"), **testifying in support of Part 1 of SB 2390 SD2 HD1 - Relating to Pharmacist Licensure**, which will allow the Board of Pharmacy to accept for licensure the practical experience hours earned by a student at the University of Hawaii Hilo School of Pharmacy in the territories of the United States and the District of Columbia while under the supervision of a registered pharmacist.

As a long-time provider of retail pharmacy services, Longs has supported the University of Hawaii Hilo School of Pharmacy since its inception and is a designated advance pharmacy practice location in Hawaii. While we look forward to providing advance pharmacy practice experiences to fourth year students in Hawaii, we also strongly support expanded opportunities in U.S. territories.


Longs supports this and other measures that will continue to provide School of Pharmacy students with the best education opportunities as they complete their instruction and practice experience towards a degree in pharmacy.

Longs takes no position on Part 2 of the bill.

Thank you for the opportunity to support SB 2390 SD2 HD1.

To the members of the Senate Committee

My name is Irene Chaisri and I am a pharmacy student with the University of Hawaii-Hilo College of Pharmacy class of 2012. I am testifying to **support SB 2390-Relating to Pharmacy Licensure**. This bill will allow many of us to earn practical experience hours in the U.S. territories like the District of Columbia, American Samoa, Guam and the Northern Marianas Islands. This will also give us an opportunity to diversify our education and go to areas in need of help. Thank you for this opportunity to testify.

Sincerely,
Irene Chaisri 
PharmD candidate 2012
University of Hawaii-Hilo College of Pharmacy

Testimony presented before the
Committee on Consumer Protection and Commerce
Wednesday, March 24, 2010
By
Victor Lin
President, Class of 2013
College of Pharmacy, University of Hawai'i at Hilo

SB2390 SD2, HD1 – Relating to Pharmacist Licensure

To all respected members of the committees:

My name is Victor Lin, President of the UH-Hilo College of Pharmacy Class of 2013, testifying in full support of SB2390 SD2, HD1– Relating to Pharmacist Licensure. This bill is especially pertinent to me because I was born and raised on the island of Guam. My father has been a pharmacist on Guam for over 25 years, and I hope to one day follow in his footsteps.

As the only pharmacy school in the Pacific Basin, the vision of the UH-Hilo College of Pharmacy is to educate and train professionals in providing quality healthcare not only in Hawai'i but also throughout the Pacific. It is crucial for students to gain firsthand experience working in these underserved communities. Not only will SB2390 SD2, HD1 allow students from the U.S. territories a chance to go home and serve, it will also provide new and different experiences for those students wishing to diversify their education. Furthermore, new opportunities for these students may arise. Establishing relationships with these communities can only be beneficial.

It would be terrific if I can, one day, intern back home. Thank you for your time.


Sincerely,

-Victor Lin 

To the members of the Senate Committee

My name is Alexandra M. Perez and I am a pharmacy student with the University of Hawaii-Hilo College of Pharmacy class of 2012. I am testifying to **support SB 2390-Relating to Pharmacy Licensure**. Having been born and raised on the island of Guam, this bill is of the utmost importance to me. Because of the lack of educational opportunities on our island I had to move to the mainland to pursue a graduate education. Armed with the knowledge and invaluable experience I would acquire from the UH Hilo College of Pharmacy, it is my intention to return home to Guam to make a difference in the lives of my fellow Guamanians. This bill will allow many of us to earn practical experience hours in the U.S. territories like the District of Columbia, American Samoa, Guam and the Northern Marianas Islands. It will allow me to return home before I graduate and to begin developing the skills necessary to treat such a diverse group of patients. This will also give us an opportunity to diversify our education and go to areas in need of help. Thank you for this opportunity to testify.

Sincerely,

Alexandra M. Perez 

PharmD candidate 2012

University of Hawaii-Hilo College of Pharmacy