
A BILL FOR AN ACT

RELATING TO UNDERSERVED AREAS.

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 of Hawaii need improved
3 access to medications and pharmacy services. A mobile pharmacy
4 vehicle that is able to visit these rural areas on a regularly
5 scheduled basis and provide pharmacy services and dispense low-
6 cost prescription medications would help to resolve the dual
7 problem of access to prescription drugs and pharmacists for low-
8 income populations in isolated areas of the State. The
9 legislature intends for mobile pharmacy vehicles contemplated by
10 this Act to complement, not replace, the remote dispensing
11 pharmacies under section 461-10.5, Hawaii Revised Statutes.

12 The purpose of this Act is to permit the operation of
13 mobile pharmacy vehicles by a licensed pharmacy or pharmacist.

14 SECTION 2. Chapter 461, Hawaii Revised Statutes, is
15 amended by adding two new sections to be appropriately
16 designated and to read as follows:

17 "§461-A Mobile pharmacy vehicle; operations. (a) A
18 mobile pharmacy vehicle shall be under the direct supervision of



1 a registered pharmacist employed by the responsible pharmacy who
2 shall:

3 (1) Ensure that the mobile pharmacy vehicle is in
4 compliance with all laws and rules governing the
5 practice of pharmacy;

6 (2) Ensure that the mobile pharmacy vehicle is
7 appropriately staffed by a qualified registered
8 pharmacist; and

9 (3) Be responsible for the integrity of the drugs
10 dispensed from the mobile pharmacy vehicle and ensure
11 that drugs are provided to the mobile pharmacy vehicle
12 only from the responsible pharmacy.

13 (b) A mobile pharmacy vehicle shall:

14 (1) Be effectively secured to prevent unauthorized access
15 at all times and limit entry to authorized personnel
16 only;

17 (2) Be connected via live computer link, video link, and
18 audio link to the responsible pharmacy through the
19 information technology system of the responsible
20 pharmacy;

21 (3) Conspicuously display:



- 1 (A) A copy of the license of the responsible
2 pharmacy; and
- 3 (B) A copy of the license of the registered
4 pharmacist in charge of the mobile pharmacy
5 vehicle; and
- 6 (4) Have a confidential area available for communication
7 between the patient and the registered pharmacist in
8 charge of the mobile pharmacy vehicle.
- 9 (c) A mobile pharmacy vehicle shall only operate in an
10 underserved area of the State; provided that no mobile pharmacy
11 vehicle shall operate within a ten mile radius of any pharmacy
12 as defined under section 461-1.
- 13 (d) A mobile pharmacy vehicle shall not provide
14 medications to patients with health insurance coverage, except
15 for:
- 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; or
- 20 (3) Patients residing on an island without a pharmacy or
21 in an underserved area without an existing pharmacy
22 within a ten mile radius.



1 (e) Each mobile pharmacy vehicle shall be operated by only
2 one responsible pharmacy. A responsible pharmacy may operate
3 more than one mobile pharmacy vehicle.

4 (f) Records of prescriptions filled at the mobile pharmacy
5 vehicle shall be maintained at the responsible pharmacy and
6 shall be distinguishable from the records of prescriptions
7 filled at the responsible pharmacy.

8 (g) The board shall adopt rules pursuant to chapter 91 for
9 the purposes of this section and section 461-B.

10 (h) This section shall not apply to mobile medical
11 clinics.

12 (i) As used in this section,
13 "Mobile medical clinic" means a motor vehicle retrofitted
14 for exclusive use as a medical office or clinic for medical
15 services licensed under chapter 321.

16 "Underserved area" means a geographic region within the
17 State designated by the Secretary of the United States
18 Department of Health and Human Services under Title 42 United
19 States Code Section 254e, as a primary medical care health
20 professional shortage area.

21 §461-B Permit for operation of mobile pharmacy vehicle.

22 (a) It shall be unlawful for any person to operate, maintain,



1 open, or establish any mobile pharmacy vehicle within the State
2 without having first obtained a permit or prior notification
3 from the board.

4 (b) Application for permits and notifications shall be
5 made on a form prescribed by the board. Separate applications
6 shall be made, and separate permits and notifications issued,
7 for each separate place at which is carried on any of the
8 operations for which a permit or notification is required.

9 (c) On evidence satisfactory to the board, a permit or
10 notification shall be issued; provided that:

11 (1) The mobile pharmacy vehicle for which the permit or
12 notification is sought is or will be in full
13 compliance with this chapter and rules of the board;

14 (2) The locations and appointments of the mobile pharmacy
15 vehicle are such that it can be operated and
16 maintained without endangering the public health or
17 safety; and

18 (3) The mobile pharmacy vehicle shall be under the
19 personal and immediate supervision of a registered
20 pharmacist.



1 (d) An application for a permit shall be refused for
2 noncompliance with this section only after notice to the
3 applicant and a full and fair hearing.

4 (e) To operate a mobile pharmacy vehicle, a responsible
5 pharmacy shall submit to the board the following information:

6 (1) A completed form prescribed by the board;

7 (2) The name, address, and permit number of the
8 responsible pharmacy;

9 (3) The name and license number of the registered
10 pharmacist in charge of the responsible pharmacy;

11 (4) The proposed routes or locations where the mobile
12 pharmacy vehicle will be operated;

13 (5) A vehicle floor plan of the mobile pharmacy vehicle;

14 (6) The mobile pharmacy vehicle's:

15 (A) Make, year, and model;

16 (B) Vehicle identification number; and

17 (C) License and registration numbers;

18 (7) The date the mobile pharmacy vehicle will begin
19 operations;

20 (8) A description of the mobile pharmacy vehicle's
21 security system;



1 (9) A description of the mobile pharmacy vehicle's
2 computer link, video link, and audio link; and

3 (10) Photographs of the mobile pharmacy vehicle, including
4 the security system, computer link, video link, audio
5 link, and confidential-communications area.

6 An applicant or permit holder's failure to notify the board in
7 writing within thirty days of any changes to the information
8 described in paragraphs (1) to (10) or failure to comply with
9 this chapter shall be considered a violation of this chapter and
10 shall result in disciplinary action against the pharmacist in
11 charge and the responsible pharmacy.

12 (f) Permits issued under this section may be closed upon
13 written request from the holder of the permit. The board shall
14 approve all requests by the holder for closure of a permit.
15 Once the closure is approved, the holder of the closed permit
16 shall be required to reapply as a new applicant."

17 SECTION 3. Section 461-1, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By adding a new definition to be appropriately inserted
20 and to read:

21 "Mobile pharmacy vehicle" means a motor vehicle
22 retrofitted and equipped for exclusive use in the practice of



1 pharmacy and dispensation of prescription drugs and that is
2 staffed by a registered pharmacist."

3 2. By amending the definition of "responsible pharmacy" to
4 read:

5 ""Responsible pharmacy" means a pharmacy that operates a
6 remote dispensing machine or mobile pharmacy vehicle located in
7 this State and holds a valid permit issued by the board pursuant
8 to section 461-14[-] or section 461-B, as applicable."

9 SECTION 4. Section 461-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 ""Responsible pharmacy" means a pharmacy that operates a
13 mobile pharmacy vehicle located in this State and holds a valid
14 permit issued by the board pursuant to section 461-B."

15 SECTION 5. In codifying the new sections added by section
16 2 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect upon approval;
22 provided that:



H.B. NO. 1703

- 1 (1) Section 2 of this Act shall take effect on January 1,
2 2013; and
3 (2) Section 4 of this Act shall take effect on January 3,
4 2014.

5

INTRODUCED BY:

Cindy Evans

JAN 11 2012



Report Title:

Underserved Areas; Mobile Pharmacy Vehicles

Description:

Authorizes the use of mobile pharmacy vehicles to provide pharmacy services in underserved areas of the State.

Establishes requirements for permitting the operation of a mobile pharmacy vehicle.

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