

Testimony of the Board of Pharmacy

**Before the
House Committee on Consumer Protection & Commerce
Tuesday, February 6, 2024
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H. B. 2554, RELATING TO PHARMACIES**

Chair Nakashima and Members of the Committee:

My name is James Skizewski, and I am the Executive Officer of the Board of Pharmacy (Board). The Board supports the intent of this bill and offers comments.

The purpose of this bill is to require pharmacies, other than on-site pharmacies in institutional facilities, to make a pharmacy intern, pharmacy technician, pharmacy employee, or an employee of the retail establishment the pharmacy is located in available to assist a registered pharmacist at all times that the pharmacy is open to the public.

The Board respectfully seeks clarification on the types of activities and settings this bill would include. The practice of pharmacy often entails many different aspects of patient care including, but not limited to remote counseling and remote interpretation of orders which do not include other staff on site. The intent of providing the availability of a pharmacy intern, technician, or employee to all pharmacists working for a pharmacy is unclear.

The definition of "pharmacy" as outlined in Hawaii Revised Statutes (HRS) chapter 461 means every store, shop, or place: (1) where prescription drugs are dispensed or sold at retail, or displayed for sale at retail; (2) where practitioners' prescriptions or drug preparations are compounded; (3) that has upon it, displayed within it, or affixed to or used in connection with it, a sign bearing the words "pharmacist," "pharmacy," "apothecary," "drug store," "druggist," "drugs," "medicines," "medicine store," "drug sundries," "remedies," or any words of similar or like import; or (4) where any of the above words or combination of words are used in any advertisement. The Board's statute currently does not differentiate between an "independent retail pharmacy" and other pharmacy retail locations. Adding a definition

for “independent retail pharmacy” would provide the Board and pharmacists clear guidance for the settings in which a registered pharmacist would be required to engage in the practice of pharmacy even if no employee of the retail establishment is available to assist the pharmacist at all times, as noted in the bill.

The Board recognizes that similar legislation (California Assembly Bill (AB) 1286) has been passed, which provides pharmacists a baseline for support staff they need to meet health care demands and combat medication errors. AB 1286 included a protection to prevent any negative repercussions from closing a pharmacy in the situation where required staff are not present to assist. If the Committee moves forward with this measure, the Board suggests a similar protection be considered in this bill to ensure no pharmacist acting in good faith is subject to adverse discipline.

Thank you for the opportunity to testify on this bill.



February 1, 2024

Hawaii Consumer Protection & Commerce, Finance Committee
State Capitol
415 S Beretania St.
Honolulu, HI 96813

LATE

To Members of the Hawaii Consumer Protection & Commerce, Finance Committee:

I am writing on behalf of the Alliance for Pharmacy Compounding (APC) and the National Community Pharmacists Association (NCPA) in response to HB 2554.

The Alliance for Pharmacy Compounding is the voice for pharmacy compounding, representing more than 600 compounding small businesses – including compounding pharmacists and technicians in both 503A and 503B settings – as well as prescribers, educators, researchers, and suppliers. NCPA represents America’s community pharmacists, including 19,400 independent community pharmacies. Together, our members represent a \$78.5 billion healthcare marketplace, employ 240,000 individuals, and provide an expanding set of healthcare services to millions of patients every day. Our members are small business owners who are among America’s most accessible healthcare providers.

HB 2554 creates the requirement for “pharmacies, other than on-site pharmacies in institutional facilities, to make a pharmacy intern, pharmacy technician, pharmacy employee, or an employee of the retail establishment the pharmacy is located in available to assist a registered pharmacist at all times the pharmacy is open to the public.” While this proposal is intended to protect pharmacists, it would be ideal to include an amendment that clarifies the situations in which the Board of Pharmacy will not take action against a pharmacy for not complying with the requirements.

There are pharmacies that may experience extenuating circumstances that make compliance difficult, and we urge the inclusion of the following language to HB 2554:

“The board shall not take action against a pharmacy for a violation of this section if both of the following apply:

- (1) Another employee is unavailable to assist the pharmacist due to reasonably unanticipated circumstances, including, but not limited to, illness, injury, family emergency, or the employee’s termination or resignation.
- (2) The pharmacy takes all reasonable action to make another employee available to assist the pharmacist or the owner is serving as the pharmacist-in-charge and is the only employee.”

We urge you to add the proposed amendment to clarify this requirement.

Thank you for this opportunity to comment on this proposed provision in HB 2554. Please direct any questions to me at scott@a4pc.org.

Best,

ALLIANCE FOR PHARMACY COMPOUNDING & NATIONAL COMMUNITY PHARMACISTS ASSOCIATION

HB-2554

Submitted on: 2/2/2024 2:18:31 PM

Testimony for CPC on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Son Nam Nguyen	Individual	Support	Written Testimony Only

Comments:

Pharmacist workloads have been increasing on a daily without sufficient additional support from companies such as staffing. This type of environments where pharmacist are expected to open the pharmacy and work even when no technicians are available really put the pharmacist and patients at risks. Unless some those of laws are passed to prevent this from happening, pharmacists will continue to be push to work in these high stress environments.

From: Valerie Takata <valeriehilo@gmail.com>
Subject: HB 2554 Written Testimony
Date: February 4, 2024 at 10:30:51 AM HST
To: Valerie Takata <tvalhilo@gmail.com>

Written Testimony

Chair of the House of Representatives Thirty-second legislative, 2024 State of Hawaii

HB 2554 A Bill for an Act

Measure Title: Relating to Pharmacy

Feb.06, 2024 hearing 2:00pm in House of Representative Conference Room

Stance: In Full Support of HB 2554

I am Valerie Takata, a senior citizen residing in Hilo, Hawaii. I am submitting this written testimony in support of HB 2554.

My reasons are three-folds:

- 1) Health, well-being, and safety of :
 - a) customers such as myself and b) pharmacy staff/personnel
- 2) Efficiency and accuracy of the trained pharmacy staff to perform their duties and tasks such as dispensing medications and giving vaccinations, providing consultation and other medical related tasks
- 3) Timeliness and limited and or lack of human resources in terms of personnel and supports.

Simply, when pharmacies are short staffed, the inadequate supports and lack of human resources affect their job performances as well as customer satisfaction are negatively affected. We are affected; I am affected.

For example, when these constraints (mentioned above) are imposed upon the pharmacy our prescriptions , vaccinations, and other medical needs are the ripple effects that result. More specifically, prescriptions and vaccinations are not done in a timely manner due to delays, These are operational and systems glitches that ultimately affect customers. These workforce glitches affect the accuracy and precision of dispensing medications and vaccinations to customers. Hence chances of increased human errors and glitches occur.

Additional scheduling and work performance negatively affect staff to leave the profession. For example, recently I spoke to a tech who took another job. She shared that she loved working with the people at the pharmacy but the lack of human resources and scheduling affected her personally. Simply, she left for a job that provided better resources.

I am compelled to submit this written testimony, Like other senior citizens, health is of utmost importance. I rely on the medical professionals such as the pharmacy to attend

to my medical needs and provide timely services such as dispensing medications and vaccinations without flaws.

The negative effects of this bill not being passed will be detrimental to peoples lives; our lives, my life.

Prescriptions need to be filled accurately and timely. It is critical and essential to support pharmacy staff/personnel to fully equip them with trained staff during operational hours. Please invest in human resources by passing this bill so retail chains can provide adequate staffing for their pharmacies.

We can't lose more pharmacy personnel to other professions. Our lives depend on the medical field and receiving proper medications and medical needs related to pharmacies.

I implore you to consider my plea to support and pass bill HB2554.

In closing, I am in full support of HB 2554. It is critical to the health, well-being, and safety of all people. Our retail chain pharmacies personnel need to be supported. Please support and invest in our lives. Thank you for your consideration.

Sincerely,

Valerie Takata
Hilo, Hawaii

HB-2554

Submitted on: 2/5/2024 8:36:47 AM

Testimony for CPC on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Lum	Individual	Support	Written Testimony Only

Comments:

Thank you for submitting a bill that not only protects the general public but also the people that help keep the general public healthy. In support of this bill please pass it.

HB-2554

Submitted on: 2/5/2024 11:01:41 AM

Testimony for CPC on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Navarrete	Individual	Support	Written Testimony Only

Comments:

Hi,

My name is Kenneth Navarrete and I have been a pharmacist for nearly 10 years, I support this bill. On some occasions, I would work alone with no technician or pharmacy intern to help assist with the various duties in the pharmacy workflow. This may be manageable in a low volume pharmacy, but the majority of pharmacies here in Hawaii are very busy. In these situations, pharmacists are forced to handle non-clinical duties such as answering/making phone calls, ringing up customers for their prescriptions, receiving orders, performing cycle counts, etc., instead of focusing on important things like drug interactions, therapy duplications, and proper drug dosing. Constantly being taken away from these duties causes the pharmacist to rush, which may lead to more medication errors and worse patient outcomes.

HB-2554

Submitted on: 2/5/2024 12:50:20 PM

Testimony for CPC on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Fujii	Individual	Support	Written Testimony Only

Comments:

My name is Tiffany Fujii and I have been working as a pharmacist in Honolulu for fifteen years. I am in favor of HB2554 relating to pharmacy, which attempts to address the issue of inadequate staffing in the pharmacy.

The top priority of a registered pharmacist is patient care and safety. Pharmacists work with prescribers and patients as a team to improve patient outcomes. The pharmacist-patient relationship is fractured with inadequate staffing and pharmacists' expanded role in public health, which result in time constraints, suboptimal patient care, and an increased risk for errors. This is unacceptable.

I would like to offer a suggestion to this bill, HB2554 relating to pharmacy. A pharmacy must be staffed with at least one pharmacy intern, pharmacy technician, or pharmacy employee to assist a registered pharmacist when the pharmacy is open to the public, unless waived by the pharmacist on duty. However, the staffing requirement cannot be waived during the hours of vaccine administration or the administration of any oral or injectable medication.

Pharmacists are one of the most accessible healthcare providers. They are often times multitasking and attention shifting from checking the accuracy of a prescription to answering phones to cashiering to administering vaccines. This becomes even more apparent when pharmacists work alone or are understaffed. It makes sense to have another pharmacy staff present in the case of an emergency during or after vaccine or medication administration.

By having a minimum staffing requirement, pharmacists can feel more confident in accurately dispensing medications and administering vaccines in a safer environment and patients can feel safer knowing their pharmacist was given the resources they need to perform their duties. I am in support of HB2554 relating to pharmacy.

HB-2554

Submitted on: 2/5/2024 2:33:29 PM

Testimony for CPC on 2/6/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Romelynn Navarrete	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Romelynn Navarrete, I've been practicing pharmacy for about 11 years, and have been a Pharmacist for almost 10 years. I fully support this bill HB2554. I have been in situations where I needed to work as a pharmacist alone with no support staff. I feel unsafe and I feel like I am an easy target for someone who wants to harass me or steal items from the pharmacy. At a high volume pharmacy, working alone takes away time for us to double check doctor orders and check for important things like drug interactions or contraindications. I was placed in situations where I needed to stay 2 or more hours unpaid after my scheduled shift to finish my work, because I was stuck helping customers purchase their medications instead of processing new prescriptions for someone who may need it right away, like for COVID-19. I hope this bill is passed and I look forward to more pharmacy practice work environment improvements.