

JAN 23 2009

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 remote areas
6 such as Hana, Maui where there are no pharmacies. Without
7 access to a pharmacy, individuals face tremendous barriers to
8 obtaining basic, much-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 to read as follows:

15 " [H] §461-10.5 [H] Remote dispensing pharmacy; operations.

16 (a) A remote dispensing pharmacy shall be under the direct



supervision of the registered pharmacist in charge of the responsible pharmacy who shall:

- (1) Ensure that the remote dispensing pharmacy is in compliance with all laws and rules governing the practice of pharmacy and remote dispensing;
- (2) Ensure that the remote dispensing pharmacy is appropriately staffed by a qualified remote dispensing technician; and
- (3) Be responsible for the integrity of the drugs in the remote dispensing machine and ensure that drugs for the remote dispensing machine are provided to the remote dispensing pharmacy only from the responsible pharmacy.

(b) ~~[Physical set-up.]~~ A remote dispensing pharmacy shall:

- (1) Be effectively secured to prevent unauthorized access at all times~~[, and entry to the remote dispensing pharmacy shall be limited]~~ and limit entry to authorized personnel only;
- (2) Be connected via live computer link, video link, and audio link to the responsible pharmacy ~~[and shall use]~~



1 through the information technology system of the
2 responsible pharmacy;

3 (3) Conspicuously display at the remote dispensing
4 machine:

5 (A) A copy of the license of the responsible
6 pharmacy; and

7 (B) A copy of the license of the pharmacist in charge
8 of the responsible pharmacy; and

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

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

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

21 (2) If an appropriately designated pharmacy, as defined in
22 section 461-1, is established within a five mile



1 radius of an existing remote dispensing pharmacy
2 exempted by this subsection, all appropriate measures
3 shall be taken to encourage the relocation of the
4 existing remote dispensing machine within the newly
5 established pharmacy.

6 (d) Remote dispensing pharmacies shall not provide
7 medications to patients with health insurance coverage except
8 for patients covered by QUEST[-], provided that remote
9 dispensing pharmacies may provide medications to patients in
10 remote areas, such as Hana, Maui, where there is no pharmacy,
11 regardless of whether the patient has health insurance.

12 (e) The remote dispensing technician shall offer each
13 patient the option of receiving counseling by a pharmacist at
14 the responsible pharmacy for all prescriptions.

15 (f) A pharmacist at the responsible pharmacy shall approve
16 each prescription before it is dispensed to the patient.

17 (g) Each remote dispensing machine shall be operated by
18 only one responsible pharmacy. A responsible pharmacy may
19 operate [~~through~~] more than one remote dispensing machine.

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



- 1 (1) Secure double-locked cabinets;
- 2 (2) Bar-coding or similar technology that effectively
- 3 recognizes the product;
- 4 (3) A cabinet that delivers only one bar-coded unit-of-use
- 5 container per ~~[dispense]~~ dispensation, per
- 6 prescription;
- 7 (4) A scanner and printer that, upon releasing the unit-
- 8 of-use container from the remote dispensing machine,
- 9 ~~[the container is scanned]~~ scans the container to
- 10 confirm it is the correct container, and ~~[with that~~
- 11 ~~confirmation, the printer will print]~~ if confirmed,
- 12 prints a patient-specific label that has a bar code
- 13 which is scanned to confirm it is the correct label
- 14 for the prescription; and
- 15 (5) A video component that allows the patient to have a
- 16 "face-to-face" consultation with the pharmacist at the
- 17 responsible pharmacy.
- 18 (i) A pharmacist shall be in charge of the remote
- 19 dispensing machine and shall ensure that:
- 20 (1) Written policies and procedures are developed ~~[prior~~
- 21 ~~to using the machine]~~ before the machine is used that:



- 1 (A) Ensure the safe and effective dispensing of
2 pharmaceutical products;
- 3 (B) Ensure that the remote dispensing pharmacy and
4 the remote dispensing machine [~~is~~] are operating
5 safely, accurately, and securely; and
- 6 (C) Define the conditions for access to the remote
7 dispensing machine and to medications contained
8 within or associated with the machine, including
9 policies that assign, discontinue, or change
10 access to the remote dispensing machine and
11 medications;
- 12 (2) A pharmacist licensed in this State and employed by
13 the responsible pharmacy has secured access to the
14 drugs in the remote dispensing machine;
- 15 (3) Access to the [~~medications~~] drugs in the remote
16 dispensing machine complies with state and federal
17 laws, rules, and regulations;
- 18 (4) No prescription drug is dispensed at the remote
19 dispensing pharmacy until a pharmacist at the
20 responsible pharmacy has verified the finished
21 prescription;



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

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

(7) If a patient refuses the prescription drug at the time it is dispensed, the prescription drug is locked in a secured cabinet;

(8) There is proper inventory control at the remote dispensing pharmacy and only a registered pharmacist or a remote dispensing technician assigned by the pharmacist in charge of the responsible pharmacy shall stock the remote dispensing machine;

(9) A reconciliation of the physical inventory of the remote dispensing pharmacy is conducted at least annually;

(10) All personnel who operate the remote dispensing machine at the remote dispensing pharmacy are properly trained. Training shall ensure the competence and ability of all personnel who operate any component of the remote dispensing machine and the remote



1 dispensing pharmacy. Documentation of training shall
2 be kept by the responsible pharmacy; and

3 (11) The remote dispensing machine is stocked accurately
4 and in accordance with established written policies
5 and procedures. The pharmacist shall check the
6 accuracy of the product supplied for stocking the
7 remote dispensing machine.

8 (j) ~~[Controlled]~~ Except in remote areas such as Hana, Maui
9 where there are no pharmacies, controlled substances shall not
10 be dispensed from any remote dispensing machine or remote
11 dispensing pharmacy.

12 (k) Drugs dispensed from the remote dispensing machine
13 shall be dispensed as packaged, with no changes to the drug, its
14 strength, or its unit quantity, except for the addition of water
15 for reconstitution of dry powder drugs.

16 (l) Prescription labels for the product dispensed from the
17 remote dispensing machine shall only be generated at the remote
18 dispensing pharmacy.

19 (m) Records of prescriptions filled at the remote
20 dispensing pharmacy shall be maintained at the responsible
21 pharmacy and shall be distinguishable from those records filled
22 at the responsible pharmacy. All responsible pharmacies shall



1 maintain[7] on-site at the remote dispensing pharmacy and have
2 available for inspection at all times, records and documentation
3 of the following:

4 (1) All prescriptions dispensed at the remote dispensing
5 pharmacy;

6 (2) All inventory movement at the remote dispensing
7 pharmacy; and

8 (3) A policies and procedures manual of the remote
9 dispensing pharmacy.

10 (n) No health insurance provider group, hospital, or
11 medical service plan regulated under article 431:10A or 432:1
12 shall operate a remote dispensing pharmacy.

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).



S.B. NO. 585

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.

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INTRODUCED BY:

Niki Hubbard

Michelle N. Sedani
Norman Sakamoto

Dr. M.

[Signature]

Frederick

Robert

Anna Mercedes K.

J. Kelvin

David Y. Lee

Anthony H. Park

Clayton

Therese Chun Caldwell

Jim

[Signature]

Will

Clarence K. Iwatake

Carol Fukushima



Report Title:

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

Description:

Allows persons in remote areas that have no pharmacy to obtain
prescription drugs through telepharmacy at a dispensing
pharmacy, even if they have health insurance.

