



GOV. MSG. NO. **713**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 8, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 8, 2009, the following bill was signed into law:

SB585 SD2 HD1 CD1

A BILL FOR AN ACT
RELATING TO REMOTE DISPENSING.
ACT 096 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUN 8 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 096
S.B. NO. 585
S.D. 2
H.D. 1
C.D. 1

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. Without access to a
4 pharmacy, individuals face tremendous barriers to obtaining
5 basic, much-needed medications.

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

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

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

14 "[-] §461-10.5 [-] Remote dispensing pharmacy; operations.

15 (a) A remote dispensing pharmacy shall be under the direct
16 supervision of the registered pharmacist in charge of the
17 responsible pharmacy who shall:



- 1 (1) Ensure that the remote dispensing pharmacy is in
2 compliance with all laws and rules governing the
3 practice of pharmacy and remote dispensing;
- 4 (2) Ensure that the remote dispensing pharmacy is
5 appropriately staffed by a qualified remote dispensing
6 technician; and
- 7 (3) Be responsible for the integrity of the drugs in the
8 remote dispensing machine and ensure that drugs for
9 the remote dispensing machine are provided to the
10 remote dispensing pharmacy only from the responsible
11 pharmacy.
- 12 (b) [~~Physical set-up.~~] A remote dispensing pharmacy
13 shall:
- 14 (1) Be effectively secured to prevent unauthorized access
15 at all times[, ~~and entry to the remote dispensing~~
16 ~~pharmacy shall be limited~~] and limit entry to
17 authorized personnel only;
- 18 (2) Be connected via live computer link, video link, and
19 audio link to the responsible pharmacy [~~and shall use~~]
20 through the information technology system of the
21 responsible pharmacy;



- 1 (3) Conspicuously display at the remote dispensing
- 2 machine:
- 3 (A) A copy of the license of the responsible
- 4 pharmacy; and
- 5 (B) A copy of the license of the pharmacist in charge
- 6 of the responsible pharmacy; and
- 7 (4) Have a confidential area available for communication
- 8 between the patient and the pharmacist at the
- 9 responsible pharmacy.

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

- 13 (1) This subsection shall not apply to any remote
- 14 dispensing pharmacy established prior to July 3, 2008
- 15 that has previously dispensed and will continue to
- 16 dispense only prescription medications acquired
- 17 pursuant to section 340B of the Public Health Service
- 18 Act, Title 42 United States Code section 256b; [and]
- 19 (2) If an appropriately designated pharmacy, as defined in
- 20 section 461-1, is established within a five mile
- 21 radius of an existing remote dispensing pharmacy
- 22 exempted by this subsection, all appropriate measures



1 shall be taken to encourage the relocation of the
2 existing remote dispensing machine within the newly
3 established pharmacy[-]; and

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

9 (d) Remote dispensing pharmacies shall not provide
10 medications to patients with health insurance coverage, except
11 for [patients]:

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

13 (2) Patients served at a facility operated by a health
14 maintenance organization regulated pursuant to chapter
15 432D; or

16 (3) Patients residing on an island without a pharmacy or
17 in remote areas without an existing pharmacy within a
18 five mile radius. A remote dispensing pharmacy
19 established pursuant to this subsection may continue
20 to operate in the same location if a pharmacy is
21 subsequently established on the same island as the
22 remote dispensing pharmacy or in the remote area



1 without an existing pharmacy within a five mile
2 radius; provided that the remote dispensing pharmacy
3 shall no longer be authorized to dispense controlled
4 substances."

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

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

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

12 (1) Secure double-locked cabinets;

13 (2) Bar-coding or similar technology that effectively
14 recognizes the product;

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

18 (4) A scanner and printer that, upon releasing the unit-
19 of-use container from the remote dispensing machine,
20 [~~the container is scanned~~] scans the container to
21 confirm it is the correct container, and [~~with that~~
22 confirmation, the printer will print] if confirmed,



1 prints a patient-specific label that has a bar code
2 which is scanned to confirm it is the correct label
3 for the prescription; and

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

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

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

11 (A) Ensure the safe and effective dispensing of
12 pharmaceutical products;

13 (B) Ensure that the remote dispensing pharmacy and
14 the remote dispensing machine [~~is~~] are operating
15 safely, accurately, and securely; and

16 (C) Define the conditions for access to the remote
17 dispensing machine and to medications contained
18 within or associated with the machine, including
19 policies that assign, discontinue, or change
20 access to the remote dispensing machine and
21 medications;



- 1 (2) A pharmacist licensed in this State and employed by
2 the responsible pharmacy has secured access to the
3 drugs in the remote dispensing machine;
- 4 (3) Access to the [medications] drugs in the remote
5 dispensing machine complies with state and federal
6 laws, rules, and regulations;
- 7 (4) No prescription drug is dispensed at the remote
8 dispensing pharmacy until a pharmacist at the
9 responsible pharmacy has verified the finished
10 prescription;
- 11 (5) Only one prescription is dispensed and labeled from
12 the remote dispensing machine at a time;
- 13 (6) All prescriptions dispensed have a label affixed to
14 the final drug container that meets the requirements
15 set forth in section 328-16 and includes the address
16 of the remote dispensing pharmacy;
- 17 (7) If a patient refuses the prescription drug at the time
18 it is dispensed, the prescription drug is locked in a
19 secured cabinet;
- 20 (8) There is proper inventory control at the remote
21 dispensing pharmacy and only a registered pharmacist
22 or a remote dispensing technician assigned by the



1 pharmacist in charge of the responsible pharmacy shall
2 stock the remote dispensing machine;

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

6 (10) All personnel who operate the remote dispensing
7 machine at the remote dispensing pharmacy are properly
8 trained. Training shall ensure the competence and
9 ability of all personnel who operate any component of
10 the remote dispensing machine and the remote
11 dispensing pharmacy. Documentation of training shall
12 be kept by the responsible pharmacy; and

13 (11) The remote dispensing machine is stocked accurately
14 and in accordance with established written policies
15 and procedures. The pharmacist shall check the
16 accuracy of the product supplied for stocking the
17 remote dispensing machine.

18 (j) Controlled substances shall not be dispensed from any
19 remote dispensing machine or remote dispensing pharmacy[-],
20 except:



- 1 (1) On islands without a pharmacy, or in remote areas
- 2 without an existing pharmacy within a five mile
- 3 radius; and
- 4 (2) In a facility operated by a health maintenance
- 5 organization regulated pursuant to chapter 432D for
- 6 the exclusive use of patients served at the facility."

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

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

- 9 (1) Mobile medical clinics, provided that no such clinic
- 10 shall operate in counties with a population less than
- 11 ~~[100,000,]~~ one hundred thousand persons; or
- 12 (2) Federally qualified health centers, provided that no
- 13 remote dispensing pharmacy shall operate within a five
- 14 mile radius of any pharmacy as defined under section
- 15 461-1, except for those federally qualified health
- 16 centers that are exempt under ~~[section~~
- 17 ~~461-10.5(e)(2).]~~ subsection (c) (1).

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

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



1 "SECTION 7. This Act shall take effect upon its approval
2 and shall be repealed on [~~January 2, 2013.~~] January 2, 2014."

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

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

APPROVED this 8 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII