

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Act 153, Session
2 Laws Hawaii 2018, requires all prescribers of controlled
3 substances to query the electronic prescription accountability
4 system, prior to issuing a prescription for certain controlled
5 substances, to reduce the risk of abuse of or addiction to a
6 controlled substance. The electronic prescription
7 accountability system, also known as the prescription drug
8 monitoring program, is a useful tool for health care providers
9 when determining which controlled substances a patient has been
10 prescribed.

11 The legislature notes that although prescribers have taken
12 steps to implement this law, some concerns have been raised
13 about the applicability of the law to certain patient
14 populations. The legislature further finds that the law should
15 not apply in inpatient settings, where a patient is in a
16 hospital or nursing home and is directly administered a
17 prescription under the supervision of a health care provider.



1 An exemption for hospice patients is also appropriate to reduce
2 barriers to this end-of-life choice. By definition, a patient
3 electing hospice typically has only six months or less to live.
4 Therefore, requiring a health care provider to consult the
5 electronic prescription accountability system under these
6 circumstances may cause a delay in the provision of appropriate
7 care to the patient.

8 The legislature additionally finds that existing law
9 requires prescribing health care providers to adopt and maintain
10 informed consent policies for opioid therapy patients.
11 Providers have since adopted these policies; however, concerns
12 have been raised about requiring a patient to complete the
13 informed consent process in certain situations, such as where
14 the patient is in intensive care, is being monitored, or
15 otherwise lacks the capacity to provide consent.

16 The purpose of this Act is to:

- 17 (1) Specify that a health care provider shall not be
18 required to consult the electronic prescription
19 accountability system when a patient is in an
20 inpatient setting or in hospice care; and



1 (2) Clarify that an informed consent agreement is not
 2 required for patients whose prescription will be
 3 directly administered under the supervision of a
 4 health care provider.

5 SECTION 2. Section 329-38.2 Hawaii Revised Statutes, is
 6 amended by amending subsection (b) to read as follows:

7 "(b) No prescriber shall prescribe a schedule II, III, or
 8 IV controlled substance without first requesting, receiving, and
 9 considering records of the ultimate user from the state
 10 electronic prescription accountability system as needed to
 11 reduce the risk of abuse of or addiction to a controlled
 12 substance, as needed to avoid harmful drug interactions, or as
 13 otherwise medically necessary; provided that this subsection
 14 shall not apply to[+] any prescription:

15 (1) [~~Any prescription for~~] For a supply of three days or
 16 less that is made in an emergency situation, by an
 17 emergency medical provider, or in an emergency room;
 18 [and]

19 (2) [~~Any prescription written~~] That will be administered
 20 directly to a patient under the supervision of a



1 health care provider licensed to practice within the
2 State;

3 (3) For a patient receiving hospice care; or

4 (4) Written while the state electronic prescription
5 accountability system is nonfunctional."

6 SECTION 3. Section 329-38.5, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) For the purposes of this section, "qualifying opioid
9 therapy patient" means:

10 (1) A patient requiring opioid treatment for more than
11 three months;

12 (2) A patient who is prescribed benzodiazepines and
13 opioids together; or

14 (3) A patient who is prescribed a dose of opioids that
15 exceeds ninety morphine equivalent doses.

16 This term shall not apply to an individual who is receiving
17 treatment at a hospital under the supervision of a licensed
18 health care provider and who lacks capacity as defined in
19 section 327E-2."

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



S.B. NO. 807

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

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S.B. NO. 807

Report Title:

Electronic Prescription Accountability System; Hospice; Opioid Therapy; Informed Consent Process

Description:

Specifies that a health care provider shall not be required to consult the electronic prescription accountability system for patients when the prescription will be directly administered under the supervision of a health care provider or for patients who qualify for hospice care. Clarifies that an informed consent agreement is not necessary for patients whose prescription will be directly administered under the supervision of a health care provider.

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