

JAN 22 2016

S.B. NO. 2316

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that human papillomavirus
2 is a very common virus that can cause cervical, vaginal, and
3 vulvar cancers in women; penile cancer in men; and anal cancer,
4 cancer of the throat, and genital warts in both men and women.

5 The legislature also finds that the human papillomavirus vaccine
6 is available and protects against infection and the cancers
7 caused by human papillomavirus. The Centers for Disease Control
8 recommends that preteen boys and girls receive the human
9 papillomavirus vaccine at age eleven or twelve so they are
10 protected prior to any exposure to the virus.

11 The legislature also finds that under current law
12 pharmacists are permitted to administer vaccines to children
13 between the ages of fourteen and seventeen. The availability of
14 the human papillomavirus vaccine at pharmacies, to be
15 administered by a pharmacist, would increase access to the human
16 papillomavirus vaccine for children between the ages of eleven
17 and fourteen.



1 The purpose of this Act is to improve the overall health of
2 the population in the State and reduce the incidence of
3 infectious disease and cervical and other cancers by increasing
4 access to the human papillomavirus vaccine and requiring a child
5 to receive at least one dosage of the human papillomavirus
6 vaccine prior to attending seventh grade, beginning with the
7 2017-2018 school year.

8 SECTION 2. Section 302A-1154, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§302A-1154 Immunization upon attending school;
11 tuberculosis clearance[-]; human papillomavirus vaccination.

12 (a) No child shall attend any school in the State unless the
13 child presents to the appropriate school official documentation
14 satisfactory to the department of health that the child has
15 received immunizations against communicable diseases as required
16 by the department of health.

17 (b) No child shall attend any school for the first time in
18 the State unless the child presents to the appropriate school
19 official documentation satisfactory to the department of health
20 that the child has been examined and tested according to the



1 rules of the department, and is free from tuberculosis in a
2 communicable form.

3 (c) Beginning with the 2017-2018 school year, no child
4 shall attend seventh grade unless the child presents to the
5 appropriate school official written documentation from a
6 licensed physician or advanced practice registered nurse showing
7 the child has received at least one dosage of the human
8 papillomavirus vaccine before the date of attendance. A child
9 may attend school provisionally upon submitting written
10 documentation from a licensed physician, advanced practice
11 registered nurse, or authorized representative of the department
12 of health stating that the child is in the process of receiving
13 a vaccination; provided that further documentation showing that
14 the required vaccination has been completed shall be submitted
15 to the appropriate school official no later than three months
16 after the child first attends seventh grade."

17 SECTION 3. Chapter 431, Hawaii Revised Statutes, is
18 amended by adding a new section to article 10A to be
19 appropriately designated and to read as follows:

20 "§431:10A- Coverage for human papillomavirus vaccination
21 services. (a) All individual and group accident and health or



1 sickness insurance policies shall provide coverage for human
2 papillomavirus vaccination services for any insured or dependent
3 of an insured between the ages of eleven and seventeen. These
4 services shall be exempt from any deductible provisions, and
5 vaccinations shall be exempt from any copayment provisions,
6 which may be in force in these policies or contracts.

7 (b) Human papillomavirus vaccination services shall
8 include three visits. Services to be covered at each visit
9 shall include a history, physical examination, and
10 administration of the human papillomavirus vaccine, in keeping
11 with prevailing medical standards. For purposes of this
12 subsection, the term "prevailing medical standards" means the
13 recommendations of the Immunizations Practices Advisory
14 Committee of the United States Department of Health and Human
15 Services, the American Academy of Pediatrics, and the Centers
16 for Disease Control and Prevention; provided that in the event
17 that the recommendations of the committee, the academy, or the
18 centers differ, the department of health shall determine which
19 recommendations shall apply.



1 (c) This section does not apply to disability income,
2 specified disease, medicare supplement, or hospital indemnity
3 policies.

4 (d) Coverage required by this section shall include
5 reimbursement to an administering pharmacist who administers
6 human papillomavirus vaccines pursuant to section 461-11.4.

7 (e) For the purposes of this section, "human
8 papillomavirus vaccination services" means physician-delivered,
9 physician-supervised, physician assistant-delivered, advanced
10 practice registered nurse services as defined by section 457-2,
11 or pharmacist delivered services pursuant to section 461-11.4,
12 which shall include as the minimum benefit coverage for services
13 delivered in connection with the administration of the human
14 papillomavirus vaccine."

15 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
16 amended by adding a new section to article 1 to be appropriately
17 designated and to read as follows:

18 "§432:1- Coverage for human papillomavirus vaccination
19 services. (a) All individual and group hospital and medical
20 service plan contracts shall provide coverage for human
21 papillomavirus vaccination services for any insured or dependent



1 of an insured between the ages of eleven and seventeen. These
2 services shall be exempt from any deductible provisions, and
3 vaccinations shall be exempt from any copayment provisions,
4 which may be in force in these policies or contracts.

5 (b) Human papillomavirus vaccination services shall
6 include three visits. Services to be covered at each visit
7 shall include a history, physical examination, and
8 administration of the human papillomavirus vaccine, in keeping
9 with prevailing medical standards. For purposes of this
10 subsection, the term "prevailing medical standards" means the
11 recommendations of the Immunizations Practices Advisory
12 Committee of the United States Department of Health and Human
13 Services, the American Academy of Pediatrics, and the Centers
14 for Disease Control and Prevention; provided that in the event
15 that the recommendations of the committee, the academy, or the
16 centers differ, the department of health shall determine which
17 recommendations shall apply.

18 (c) This section does not apply to disability income,
19 specified disease, medicare supplement, or hospital indemnity
20 policies.



1 (d) Coverage required by this section shall include
2 reimbursement to an administering pharmacist who administers
3 human papillomavirus vaccines pursuant to section 461-11.4.

4 (e) For the purposes of this section, "human
5 papillomavirus vaccination services" means physician-delivered,
6 physician-supervised, physician assistant-delivered, advanced
7 practice registered nurse services as defined by section 457-2,
8 or pharmacist delivered services pursuant to section 461-11.4,
9 which shall include as the minimum benefit coverage for services
10 delivered in connection with the administration of the human
11 papillomavirus vaccine."

12 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§432D-23 Required provisions and benefits.**

15 Notwithstanding any provision of law to the contrary, each
16 policy, contract, plan, or agreement issued in the State after
17 January 1, 1995, by health maintenance organizations pursuant to
18 this chapter, shall include benefits provided in sections
19 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
20 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
21 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,



1 431:10A-133, [~~and~~] 431:10A-140, and 431:10A- , and chapter
2 431M."

3 SECTION 6. Section 461-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "practice of pharmacy" to
5 read as follows:

6 "Practice of pharmacy" means:

- 7 (1) The interpretation and evaluation of prescription
8 orders; the compounding, dispensing, and labeling of
9 drugs and devices (except labeling by a manufacturer,
10 packer, or distributor of nonprescription drugs and
11 commercially legend drugs and devices); the
12 participation in drug selection and drug utilization
13 reviews; the proper and safe storage of drugs and
14 devices and the maintenance of proper records
15 therefor; the responsibility for advising when
16 necessary or where regulated, of therapeutic values,
17 content, hazards, and use of drugs and devices;
- 18 (2) Performing the following procedures or functions as
19 part of the care provided by and in concurrence with a
20 "health care facility" and "health care service" as
21 defined in section 323D-2, or a "pharmacy" or a



1 licensed physician, or a "managed care plan" as
2 defined in section 432E-1, in accordance with
3 policies, procedures, or protocols developed
4 collaboratively by health professionals, including
5 physicians and surgeons, pharmacists, and registered
6 nurses, and for which a pharmacist has received
7 appropriate training required by these policies,
8 procedures, or protocols:

- 9 (A) Ordering or performing routine drug therapy
10 related patient assessment procedures;
- 11 (B) Ordering drug therapy related laboratory tests;
- 12 (C) Initiating emergency contraception oral drug
13 therapy in accordance with a written
14 collaborative agreement approved by the board,
15 between a licensed physician and a pharmacist who
16 has received appropriate training that includes
17 programs approved by the American Council of
18 Pharmaceutical Education (ACPE), curriculum-based
19 programs from an ACPE-accredited college of
20 pharmacy, state or local health department



1 programs, or programs recognized by the board of
2 pharmacy;

3 (D) Administering drugs orally, topically, by
4 intranasal delivery, or by injection, pursuant to
5 the patient's licensed physician's order, by a
6 pharmacist having appropriate training that
7 includes programs approved by the ACPE,
8 curriculum-based programs from an ACPE-accredited
9 college of pharmacy, state or local health
10 department programs, or programs recognized by
11 the board of pharmacy;

12 (E) Administering:

13 (i) Immunizations orally, by injection, or by
14 intranasal delivery, to persons eighteen
15 years of age or older by a pharmacist having
16 appropriate training that includes programs
17 approved by the ACPE, curriculum-based
18 programs from an ACPE-accredited college of
19 pharmacy, state or local health department
20 programs, or programs recognized by the
21 board of pharmacy; ~~and~~



1 (ii) Vaccines to persons between fourteen and
2 seventeen years of age pursuant to section
3 461-11.4; and

4 (iii) Human papillomavirus vaccines to persons
5 between eleven and seventeen years of age
6 pursuant to section 461-11.4;

7 (F) As authorized by a licensed physician's written
8 instructions, initiating or adjusting the drug
9 regimen of a patient pursuant to an order or
10 authorization made by the patient's licensed
11 physician and related to the condition for which
12 the patient has been seen by the licensed
13 physician; provided that the pharmacist shall
14 issue written notification to the patient's
15 licensed physician or enter the appropriate
16 information in an electronic patient record
17 system shared by the licensed physician, within
18 twenty-four hours;

19 (G) Transmitting a valid prescription to another
20 pharmacist for the purpose of filling or
21 dispensing; or



1 (H) Providing consultation, information, or education
2 to patients and health care professionals based
3 on the pharmacist's training and for which no
4 other licensure is required; and

5 (3) The offering or performing of those acts, services,
6 operations, or transactions necessary in the conduct,
7 operation, management, and control of pharmacy."

8 SECTION 7. Section 461-8, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) A pharmacist who administers any vaccine to persons
11 between the ages of fourteen and seventeen years or human
12 papillomavirus vaccine to persons between eleven and seventeen
13 years of age pursuant to section 461-11.4 shall complete a
14 training program approved by the board within every other
15 biennial renewal period and submit proof of successful
16 completion of the training program to the board; provided that
17 the pharmacist shall meet these requirements prior to
18 administering any vaccine to persons between the ages of
19 fourteen and seventeen years[-] or human papillomavirus vaccine
20 to persons between eleven and seventeen years of age."



SECTION 8. Section 461-11.4, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) A pharmacist may administer [a]:

(1) A vaccine to persons between fourteen and seventeen years of age pursuant to a valid prescription[-]; and

(2) A human papillomavirus vaccine to persons between eleven and seventeen years of age pursuant to a valid prescription.

The pharmacist shall verify that the prescriber or the prescriber's authorized agent is the patient's medical home."

2. By amending subsection (d) to read:

"(d) All pharmacists who administer vaccines to persons between the ages of fourteen and seventeen years or administer human papillomavirus vaccines to persons between the ages of eleven and seventeen years shall complete a training program approved by the Accreditation Council of Pharmacy Education for which a certificate of completion is issued. The pharmacist shall complete the training program and submit the completion certificate for the training program to the board prior to administering any vaccine to persons between the ages of



1 fourteen and seventeen years[-] and prior to administering any
2 human papillomavirus vaccine to persons between the ages of
3 eleven and seventeen years."

4 SECTION 9. Section 461-21, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) In addition to any other actions authorized by law,
7 the board may deny, revoke, or suspend any license or permit
8 applied for or issued by the board, in accordance with this
9 chapter, and fine or otherwise discipline a licensee or permit
10 holder for any cause authorized by law, including but not
11 limited to the following:

12 (1) Procuring a license through fraud, misrepresentation,
13 or deceit;

14 (2) Professional misconduct, gross carelessness, or
15 manifest incapacity;

16 (3) Permitting an unlicensed person to perform activities
17 that require a license under this chapter;

18 (4) Violation of any of the provisions of this chapter or
19 the rules adopted pursuant thereto;

20 (5) Violation of any state or federal drug, controlled
21 substance, or poison law;



- (6) False, fraudulent, or deceptive advertising;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order;
- (9) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement;
- (10) Habitual intemperance or addiction to the use of habit-forming drugs; or
- (11) Administering a vaccine to a person between fourteen and seventeen years of age or a human papillomavirus vaccine to a person between eleven and seventeen years of age without complying with section 461-11.4."

SECTION 10. Notwithstanding any other law to the contrary, the reimbursement for human papillomavirus vaccination services required under sections 3, 4, and 5 of this Act shall apply to all policies and contracts issued or renewed on or after the effective date of this Act and all health benefits plans under chapter 87A, Hawaii Revised Statutes, issued, renewed, modified, altered, or amended on or after the effective date of this Act.



1 SECTION 11. The reimbursement for human papillomavirus
2 vaccination services required under sections 3, 4, and 5 of this
3 Act shall apply to all plans under medicaid managed care
4 programs in the State.

5 SECTION 12. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 13. This Act shall take effect on July 1, 2016;
8 provided that section 11 shall take effect upon approval of the
9 Hawaii medicaid state plan by the Centers for Medicare and
10 Medicaid Services.

11

INTRODUCED BY:

Ronald H. Berk

Michelle Fukui

Matt

Julia

Walt Egan

James Mercado

Jim



S.B. NO. 2316

Report Title:

Health; Education; Human Papillomavirus Vaccine; Pharmacists;
Health insurance; Reimbursement

Description:

Requires a child to receive at least one dosage of the human papillomavirus vaccine prior to attending seventh grade, beginning with the 2017-2018 school year. Authorizes pharmacists to prescribe and administer the human papillomavirus vaccine to persons between eleven and seventeen years of age. Specifies requirements pharmacists must meet prior to administering the human papillomavirus vaccine. Requires all insurers in the State, including health benefits plans under chapter 87A, Hawaii Revised Statutes, and medicaid managed care programs, to reimburse the costs of human papillomavirus vaccination services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

