

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT.

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

1 SECTION 1. Section 329-1, Hawaii Revised Statutes, is
2 amended by adding four new definitions to be appropriately
3 inserted and to read as follows:

4 "Chronic pain therapy" means at least three months of
5 continuous treatment for chronic pain.

6 "Pharmacist delegate" means a pharmacy employee who is
7 selected by a pharmacist to act as the pharmacist's agent and is
8 delegated with the task of accessing the electronic prescription
9 accountability system. The pharmacist shall take full
10 responsibility for any action taken by the pharmacist delegate
11 in their role as the pharmacist delegate.

12 "Practitioner" means a physician, dentist, veterinarian,
13 advanced practice registered nurse with prescriptive authority,
14 or physician assistant.

15 "Practitioner delegate" means an agent or employee of a
16 practitioner who is delegated with the task of accessing the
17 electronic prescription accountability system. The practitioner



1 shall take full responsibility for any action taken by the
2 practitioner delegate in their role as the practitioner
3 delegate."

4 SECTION 2. Section 329-101, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (b) to read:

7 "(b) The designated state agency shall determine those
8 schedules of controlled substances, classes of controlled
9 substances, and specific controlled substances that are
10 purportedly being misused and abused in the State. No
11 practitioner may administer, prescribe, or dispense a controlled
12 substance unless the practitioner is registered with the
13 designated state agency to utilize the electronic prescription
14 accountability system. Beginning January 1, 2016, all
15 practitioners prescribing or dispensing a controlled substance
16 in schedules II through IV, in any quantity, shall use the
17 electronic prescription accountability system. No identified
18 controlled substances may be dispensed unless information
19 relevant to the dispensation of the substance is reported
20 electronically or by means indicated by the designated state



1 agency to the central repository established under section 329-
2 102, in accordance with rules adopted by the department."

3 2. By amending subsection (e) to read:

4 "(e) The system shall provide for the use of a central
5 repository in accordance with section 329-102. Beginning
6 January 1, 2017, all practitioners and practitioner delegates
7 shall request patient information from the central repository
8 prior to prescribing or dispensing a controlled substance to a
9 new patient and shall request patient information from the
10 central repository at least three times per year for a patient
11 that receives chronic pain therapy. The operation of the system
12 shall be overseen by the designated state agency. The system
13 shall include provisions to protect the confidentiality of
14 information in the system, in accordance with section 329-104."

15 SECTION 3. Section 329-104, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) This section shall not prevent the disclosure, at the
18 discretion of the administrator, of investigative information
19 to:

20 (1) Law enforcement officers, investigative agents of
21 federal, state, or county law enforcement or



1 regulatory agencies, United States attorneys, county
2 prosecuting attorneys, or the attorney general;
3 provided that the administrator has reasonable grounds
4 to believe that the disclosure of any information
5 collected under this part is in furtherance of an
6 ongoing criminal or regulatory investigation or
7 prosecution;

8 (2) Registrants authorized under chapters 448, 453, and
9 463E who are registered to administer, prescribe, or
10 dispense controlled substances[+] and practitioner
11 delegates; provided that the information disclosed
12 relates only to the registrant's own patient;

13 (3) Pharmacists[+] or pharmacist delegates, employed by a
14 pharmacy registered under section 329-32, who request
15 prescription information about a customer relating to
16 a violation or possible violation of this chapter;
17 [or]

18 (4) Other state-authorized governmental prescription-
19 monitoring programs[-];

20 (5) The chief medical examiner or licensed physician
21 designee who requests information and certifies the



1 request is for the purpose of investigating the death
2 of a person;

3 (6) Qualified personnel for the purpose of legitimate
4 research or education; provided that any data that
5 reasonably identifies a specific recipient,
6 prescriber, or dispenser shall be deleted from the
7 information prior to disclosure; provided further that
8 release of the information shall be made pursuant to a
9 written agreement between qualified personnel and the
10 administrator to ensure compliance with this
11 subsection; and

12 (7) Other entities or individuals authorized by the
13 administrator to assist the program with projects that
14 enhance the electronic prescription accountability
15 system."

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

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

19 INTRODUCED BY:

John Green

Ronald H. Ash

Will Eyring

[Signature]



Report Title:

Health; Uniform Controlled Substances Act; Electronic Prescription Accountability System

Description:

Requires practitioners to register to use the electronic prescription accountability system in order to administer, prescribe, or dispense a controlled substance; requires all practitioners prescribing or dispensing a controlled substance in schedules II through IV to use the electronic prescription accountability system beginning January 1, 2016; requires all practitioners and practitioner delegates to request patient information from the central repository prior to prescribing or dispensing a controlled substance to a new patient and for any patient that is receiving chronic pain therapy beginning January 1, 2017; provides pharmacist delegates and practitioner delegates with access to the electronic prescription accountability system; and in certain situations, expands access to investigative information in the electronic prescription accountability system to include law enforcement officers and investigative agents of regulatory agencies and various individuals.

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

