THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

S.B. NO. 810 S.D. 1

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT.

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

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

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

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

"Practitioner delegate" means an agent or employee of a practitioner who is delegated with the task of accessing the electronic prescription accountability system. The practitioner shall take full responsibility for any action taken by the practitioner delegate in its role as the practitioner delegate."

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

1. By amending subsection (b) to read:

"(b) The designated state agency shall determine those schedules of controlled substances, classes of controlled substances, and specific controlled substances that are purportedly being misused and abused in the State. No practitioner may administer, prescribe, or dispense a controlled substance unless the practitioner is registered with the designated state agency to utilize the electronic prescription accountability system. Beginning January 1, 2016, all practitioners administering, prescribing, or dispensing a controlled substance in schedules II through IV, shall register with the electronic prescription accountability system as part of the renewal process for controlled substance registration. No identified controlled substances may be dispensed unless information relevant to the dispensation of the substance is reported electronically or by means indicated by the designated state agency to the central repository established under section 329-102, in accordance with rules adopted by the department."

2. By amending subsection (e) to read:

"(e) The system shall provide for the use of a central repository in accordance with section 329-102. Beginning

January 1, 2017, all practitioners and practitioner delegates shall request patient information from the central repository prior to the practitioner administering, prescribing, or dispensing a controlled substance to a new patient and shall request patient information from the central repository at least three times per year for a patient that receives chronic pain therapy; provided that a practitioner or practitioner delegate shall not be required to request patient information from the central repository pursuant to this subsection if the request is for a new patient to whom the practitioner administers, prescribes, or dispenses a supply of seven days or less of a controlled substance in an emergency room or department. The operation of the system shall be overseen by the designated state agency. The system shall include provisions to protect the confidentiality of information in the system, in accordance with section 329-104."

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

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

(1) Law enforcement officers, investigative agents of federal, state, or county law enforcement or regulatory agencies, United States attorneys, county prosecuting attorneys, or the attorney general; provided that the administrator has reasonable grounds to believe that the disclosure of any information collected under this part is in furtherance of an ongoing criminal or regulatory investigation or prosecution;

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

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

(4) Other state-authorized governmental prescription-monitoring programs[~~.~~];

(5) The chief medical examiner or licensed physician designee who requests information and certifies the request is for the purpose of investigating the death of a person;

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

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

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

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

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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 administering, prescribing, or dispensing a controlled substance in schedules II through IV to register with the electronic prescription accountability system with renewal of the controlled substance registration beginning January 1, 2016; requires all practitioners and practitioner delegates to request patient information from the central repository prior to administering, prescribing, or dispensing a controlled substance to a new patient and for any patient that is receiving chronic pain therapy beginning January 1, 2017, with a specific exception; 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. (SD1)

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