

JAN 20 2017

A BILL FOR AN ACT

RELATING TO PHARMACISTS.

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

1 SECTION 1. The legislature finds that many Americans lack
2 adequate access to primary health care and this lack of access
3 is only expected to worsen as demand increases. Despite this
4 demand, however, pharmacists are conveniently accessible health
5 care professionals who are capable of playing a greater role in
6 the delivery of health care services. While pharmacists
7 primarily assist patients with access and information related to
8 prescription medications, pharmacists are also providing a broad
9 spectrum of services within their scope of practice, including
10 conducting health and wellness testing, managing chronic
11 diseases, performing medication management, administering
12 immunizations, and working in and partnering with hospitals and
13 health systems to advance health and wellness.

14 The purpose of this Act is to increase access and improve
15 the quality of health care by enabling pharmacists to provide
16 patient care services that are consistent with their education,
17 training, and license.



1 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
2 amended by adding a new section to article 10A to be
3 appropriately designated and to read as follows:

4 "§431:10A- Clinical pharmacy; patient care services
5 coverage. (a) Each individual or group accident and health or
6 sickness insurance policy, contract, plan, or agreement issued
7 or renewed in this State after December 31, 2017, shall provide
8 to insureds coverage for patient care services provided by a
9 registered pharmacist pursuant to section 461- .

10 (b) Coverage under this section may be subject to
11 copayment, deductible, and coinsurance provisions of an accident
12 and health or sickness insurance policy that are no less
13 favorable than the copayment, deductible, and coinsurance
14 provisions for other medical services covered by the policy."

15 SECTION 3. 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- Clinical pharmacy; patient care services
19 coverage. (a) Each individual or group hospital and medical
20 service corporation contract issued or renewed in this State
21 after December 31, 2017, shall provide to insureds coverage for



1 patient care services provided by a registered pharmacist
2 pursuant to section 461- .

3 (b) Coverage under this section may be subject to
4 copayment, deductible, and coinsurance provisions of a hospital
5 and medical service corporation contract that are no less
6 favorable than the copayment, deductible, and coinsurance
7 provisions for other medical services covered by the contract."

8 SECTION 4. Chapter 461, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§461- Authority to practice clinical pharmacy; patient
12 care services. (a) In accordance with rules adopted by the
13 board, a registered pharmacist may engage in the practice of
14 clinical pharmacy.

15 (b) The board shall adopt rules allowing a pharmacist to
16 provide patient care services pursuant to this section,
17 including the establishment of protocols for the provision of
18 patient care services."

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



1 "§432D-23 Required provisions and benefits.

2 Notwithstanding any provision of law to the contrary, each
3 policy, contract, plan, or agreement issued in the State after
4 January 1, 1995, by health maintenance organizations pursuant to
5 this chapter, shall include benefits provided in sections
6 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
7 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
8 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
9 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~]
10 431:10A- , and chapter 431M."

11 SECTION 6. Section 461-1, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding three new definitions to be appropriately
14 inserted and to read:

15 "Clinical pharmacy agreement" means an agreement between a
16 pharmacist and a health care organization or a practitioner that
17 permits the pharmacist to engage in the practice of clinical
18 pharmacy for the benefit of the patients of the health care
19 organization or practitioner.



1 "Patient care services" means pharmacist services furnished
2 by a pharmacist, individually or on behalf of a pharmacy
3 provider:

4 (1) That the pharmacist is legally authorized to perform
5 in the State;

6 (2) As would otherwise be covered if furnished by a
7 physician, or as an incident to a physician's service;
8 and

9 (3) In a setting located in a health professional shortage
10 area as defined in section 332 of the Public Health
11 Service Act, medically underserved area, or medically
12 underserved population as defined in section 330 of
13 the Public Health Service Act.

14 "Practice of clinical pharmacy" means:

15 (1) The health science discipline in which, in conjunction
16 with the patient's other practitioners, a pharmacist
17 provides patient care to optimize medication therapy
18 and to promote disease prevention and the patient's
19 health and wellness;

20 (2) The provision of patient care services, including but
21 not limited to medication therapy management,



1 comprehensive medication review, and post-diagnostic
2 disease state management services; and

3 (3) The practice of pharmacy by a pharmacist pursuant to a
4 clinical pharmacy agreement."

5 2. By amending the definition of "practice of pharmacy" to
6 read:

7 "Practice of pharmacy" means:

8 (1) The interpretation and evaluation of prescription
9 orders; the compounding, dispensing, and labeling of
10 drugs and devices (except labeling by a manufacturer,
11 packer, or distributor of nonprescription drugs and
12 commercially legend drugs and devices); the
13 participation in drug selection and drug utilization
14 reviews; the proper and safe storage of drugs and
15 devices and the maintenance of proper records
16 therefor; the responsibility for advising when
17 necessary or where regulated, of therapeutic values,
18 content, hazards, and use of drugs and devices;

19 (2) Performing the following procedures or functions as
20 part of the care provided by and in concurrence with a
21 "health care facility" and "health care service" as



1 defined in section 323D-2, or a "pharmacy" or a
2 licensed physician or a licensed advanced practice
3 registered nurse with prescriptive authority, or a
4 "managed care plan" as defined in section 432E-1, or
5 patient care services, in accordance with policies,
6 procedures, or protocols developed collaboratively by
7 health professionals, including physicians and
8 surgeons, pharmacists, and registered nurses, and for
9 which a pharmacist has received appropriate training
10 required by these policies, procedures, or protocols:

- 11 (A) Ordering or performing routine drug therapy
12 related patient assessment procedures;
- 13 (B) Ordering drug therapy related laboratory tests;
- 14 (C) Initiating emergency contraception oral drug
15 therapy in accordance with a written
16 collaborative agreement approved by the board,
17 between a licensed physician or advanced practice
18 registered nurse with prescriptive authority and
19 a pharmacist who has received appropriate
20 training that includes programs approved by the
21 American Council of Pharmaceutical Education



1 (ACPE), curriculum-based programs from an ACPE-
2 accredited college of pharmacy, state or local
3 health department programs, or programs
4 recognized by the board of pharmacy;

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

15 (E) Administering:

16 (i) Immunizations orally, by injection, or by
17 intranasal delivery, to persons eighteen
18 years of age or older by a pharmacist having
19 appropriate training that includes programs
20 approved by the ACPE, curriculum-based
21 programs from an ACPE-accredited college of



1 pharmacy, state or local health department
2 programs, or programs recognized by the
3 board of pharmacy; and

4 (ii) Vaccines to persons between fourteen and
5 seventeen years of age pursuant to section
6 461-11.4;

7 (F) As authorized by the written instructions of a
8 licensed physician or advanced practice
9 registered nurse with prescriptive authority,
10 initiating or adjusting the drug regimen of a
11 patient pursuant to an order or authorization
12 made by the patient's licensed physician or
13 advanced practice registered nurse with
14 prescriptive authority and related to the
15 condition for which the patient has been seen by
16 the licensed physician or advanced practice
17 registered nurse with prescriptive authority;
18 provided that the pharmacist shall issue written
19 notification to the patient's licensed physician
20 or advanced practice registered nurse with
21 prescriptive authority or enter the appropriate



- 1 information in an electronic patient record
2 system shared by the licensed physician or
3 advanced practice registered nurse with
4 prescriptive authority, within twenty-four hours;
- 5 (G) Transmitting a valid prescription to another
6 pharmacist for the purpose of filling or
7 dispensing;
- 8 (H) Providing consultation, information, or education
9 to patients and health care professionals based
10 on the pharmacist's training and for which no
11 other licensure is required; or
- 12 (I) Dispensing an opioid antagonist in accordance
13 with a written collaborative agreement approved
14 by the board, between a licensed physician and a
15 pharmacist who has received appropriate training
16 that includes programs approved by the American
17 Council on Pharmaceutical Education (ACPE),
18 curriculum-based programs from an ACPE-accredited
19 college of pharmacy, state or local health
20 department programs, or programs recognized by
21 the board; and



S.B. NO. 187

Report Title:

Pharmacists; Practice of Clinical Pharmacy; Patient Care Services; Mandatory Coverage; Medicaid

Description:

Authorizes pharmacists to practice clinical pharmacy, including providing patient care services. Defines "clinical pharmacy agreement", "patient care services", and "practice of clinical pharmacy". Requires all insurers in the State, including health benefit plans under chapter 87A, Hawaii Revised Statutes, and medicaid managed care programs, to reimburse pharmacists who provide patient care services.

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

