

# S.B. NO. 1191

JAN 27 2021

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

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

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

15           (2) Registrants authorized under chapters 448, 453, and  
16 463E and section 457-2.7 who are registered to  
17 administer, prescribe, or dispense controlled

- 1 substances and their practitioner delegate; provided  
2 that the information disclosed relates only to the  
3 registrant's own patient;
- 4 (3) Pharmacists or pharmacist delegates, employed by a  
5 pharmacy registered under section 329-32, who request  
6 prescription information about a customer [~~relating to~~  
7 ~~a violation or possible violation of this chapter~~];
- 8 (4) Other state-authorized governmental prescription-  
9 monitoring programs;
- 10 (5) The chief medical examiner or licensed physician  
11 designee who requests information and certifies the  
12 request is for the purpose of investigating the death  
13 of an individual;
- 14 (6) Qualified personnel for the purpose of bona fide  
15 research or education; provided that data elements  
16 that would reasonably identify a specific recipient,  
17 prescriber, or dispenser shall be deleted or redacted  
18 from the information prior to disclosure; provided  
19 further that release of the information may be made  
20 only pursuant to a written agreement between qualified  
21 personnel and the administrator in order to ensure  
22 compliance with this subsection;

1           (7) Other entities or individuals authorized by the  
2           administrator to assist the program with projects that  
3           enhance the electronic prescription accountability  
4           system;

5           (8) Authorized employees of the State of Hawaii department  
6           of health alcohol and drug abuse division and the  
7           emergency medical services and injury prevention  
8           system branch; [~~and~~]

9           (9) The United States Department of Defense health agency  
10          prescription monitoring program[~~-~~];

11          (10) Authorized employees of the State of Hawaii, department  
12          of human services, med-QUEST division; and

13          (11) Controlled substances prescribers, dispensers, and  
14          pharmacists of the United States Department of  
15          Veterans Affairs facilities within the State who  
16          submit data, as described in section 329-101, to the  
17          electronic prescription accountability system.

18 Information disclosed to a registrant, pharmacist, or authorized  
19 government agency under this section shall be transmitted by a  
20 secure means determined by the designated agency."

21           SECTION 2. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

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S . B . NO . 1191

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Handwritten Signature]*

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BY REQUEST

**Report Title:**

Electronic Prescription Accountability System

**Description:**

Updates chapter 329, Hawaii Revised Statutes, to clarify who may access information stored in the electronic prescription accountability system.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

PURPOSE: To amend section 329-104, Hawaii Revised Statutes (HRS), to: (1) clarify that an advanced practice registered nurse or pharmacist may access information stored in the electronic prescription accountability system (EPAS); (2) allow authorized employees of the State of Hawaii Department of Human Services, Med-QUEST division to access EPAS information; and (3) allow controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329-101, HRS, to access prescription information stored in the EPAS.

MEANS: Amend section 329-104(c), HRS.

JUSTIFICATION: Proposed amendments to chapter 329 will accomplish the following:

- (1) Clarify that an advanced practice registered nurse may access prescription information stored in the electronic prescription accountability system;
- (2) Clarify that a pharmacist may access information stored in the electronic prescription accountability system to review prescription information about a customer; and
- (3) Allow authorized employees of the State of Hawaii Department of Human Services, Med-QUEST Division, as well as, controlled substances prescribers, dispensers, and pharmacists employed by

United States Department of Veterans Affairs facilities in Hawaii, who submit data of dispensing activity as described in chapter 329-101, to access prescription information stored in the electronic prescription accountability system.

Impact on the public: This bill is intended to aid advanced practice registered nurses, pharmacists, Med-QUEST staff, and controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii in accessing up-to-date and accurate prescription information stored in the electronic prescription accountability system to better serve their patients and clients.

Impact on the department and other agencies: These proposed amendments would assist the Department's Narcotics Enforcement Division by clarifying who may access prescription information stored in the electronic prescription accountability system and assist advanced practice registered nurses and pharmacists, the Department of Human Services Med-QUEST Division, and the U.S. Department of Veterans Affairs in aiding their patients and clients.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: PSD 502.

OTHER AFFECTED  
AGENCIES: Hawaii Board of Nursing, Department of Human Services Med-QUEST Division, United States Department of Veterans Affairs.

EFFECTIVE DATE: Upon approval.