

S.B. NO. 3138

JAN 26 2022

A BILL FOR AN ACT

RELATING TO METHADONE TREATMENT PROGRAMS.

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

1 SECTION 1. Section 329-40, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§329-40 Methadone treatment programs.** (a)

4 Notwithstanding any other provision of law to the contrary,
5 methadone may be administered or dispensed or both as part of a
6 state-registered and federal Substance Abuse and Mental Health
7 Services Administration approved methadone treatment program by
8 a practitioner who is licensed and registered under state and
9 federal law to administer and dispense methadone for patients or
10 by an agent of the practitioner, supervised by and under the
11 order of the practitioner. The agent must be a pharmacist,
12 registered nurse, or licensed practical nurse. The licensed
13 practitioner shall be responsible for the amounts of methadone
14 administered or dispensed in accordance with Substance Abuse and
15 Mental Health Services Administration regulations and shall
16 record, approve, and countersign all changes in dosage
17 schedules.

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1 (b) Registration of a methadone treatment program requires
2 that:

3 (1) The methadone treatment program obtain a controlled
4 substance registration from the State of Hawaii and
5 the Drug Enforcement Administration;

6 (2) The medical director of a methadone treatment program
7 obtain a controlled substance registration from the
8 State of Hawaii and the Drug Enforcement
9 Administration at the location of the program;

10 (3) Admission to a methadone treatment program be limited
11 to the narcotic-dependent persons as defined in this
12 chapter;

13 (4) Unless otherwise stated in this chapter, admission to
14 a methadone treatment program be in accordance with
15 Title 21 Code of Federal Regulations Part 291 and
16 Title 42 Code of Federal Regulations Part 8;

17 (5) All medical orders including initial medication
18 orders, all subsequent medication order changes, all
19 changes in the frequency of take-home medication, and
20 the prescription of additional take-home medication
21 for emergency situations be authorized by a licensed
22 registered physician employed by the program;

1 (6) Only the medical director or other designated program
2 physician authorize a patient's admission for
3 treatment in accordance with Title 21 Code of Federal
4 Regulations Part 291 and Title 42 Code of Federal
5 Regulations Part 8; and

6 (7) Take-home doses of methadone be dispensed to patients
7 in accordance with Title 21 Code of Federal
8 Regulations Part 291 and Title 42 Code of Federal
9 Regulations Part 8, but shall not exceed a fourteen-
10 day supply at any given time nor more than the maximum
11 amount of take-homes for Levo-alphaacetylmethadol
12 (LAAM/Orlamm) that would allow a patient to be away
13 from the clinic for dosing for more than two weeks
14 unless authorized by the state authority.

15 (c) Before admitting an applicant to a methadone treatment
16 program, the medical director shall conduct a medical evaluation
17 that requires testing as follows:

18 (1) Laboratory test for determination of hepatitis C virus
19 infection, unless the medical director has determined
20 the applicant's subcutaneous veins are severely
21 damaged to the extent that a blood specimen cannot be
22 obtained; or

1 (2) A waived test, followed by a laboratory confirmatory
2 test for determination of hepatitis C virus infection.

3 (d) A methadone treatment program shall establish policies
4 and procedures for screening and referrals for care and curative
5 treatment by on-site or external partners.

6 The term "methadone treatment program" as used in this
7 section means an organization or a person (including a private
8 physician) that administers or dispenses methadone to a
9 narcotic-dependent person for maintenance or detoxification
10 treatment and who provides the medical and rehabilitative
11 services required by Title 21 Code of Federal Regulations Part
12 291 or Title 42 Code of Federal Regulations Part 8 and is
13 approved to do so by the State and by the United States
14 Substance Abuse and Mental Health Services Administration, and
15 who holds a controlled substance registration as required by
16 this chapter and the United States Drug Enforcement
17 Administration to use methadone for the treatment of narcotic-
18 dependent persons.

19 The term "narcotic-dependent person" as used in this
20 section means an individual who physiologically needs heroin or
21 a morphine-like drug to prevent the onset of signs of
22 withdrawal.

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1 The term "state authority" as used in this section means
2 the agency within the State [~~which~~] that exercises the
3 responsibility for governing the treatment of narcotic-dependent
4 persons with the narcotic drug methadone.

5 The term "waived test" as used in this section means a
6 Clinical Laboratory Improvement Amendments of 1988-waived point-
7 of-care ("rapid") test for determination of hepatitis C
8 infection."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



14

BY REQUEST

Report Title:

Methadone Treatment Programs

Description:

Amends chapter 329, Hawaii Revised Statutes, to require the medical director of a methadone treatment program to conduct a medical evaluation that offers testing for Hepatitis C exposure and infection. Requires that a methadone treatment program have policies and procedures in place for screening and referrals to care and curative treatment.

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 METHADONE TREATMENT PROGRAMS.

PURPOSE: The purpose of this bill is to amend section 329-40, Hawaii Revised Statutes (HRS), to require the medical director of a methadone treatment program to conduct a medical evaluation on applicants prior to admission to the program that offers testing for Hepatitis C exposure and infection. Requires that a methadone treatment program establish policies and procedures for screening and referrals for care and curative treatment.

MEANS: Amend section 329-40, HRS.

JUSTIFICATION: The proposed amendment will increase the detection of exposure and infection of the contagious Hepatitis C disease among the population of methadone program participants and refer those testing positive for appropriate curative treatment.

Impact on the public: Passage of the bill will increase the detection of Hepatitis C exposure and infection and help to reduce the spread of the disease in the community.

Impact on the department and other agencies: These proposed amendments would assist the Department of Health and private harm reduction agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED
AGENCIES:

Department of Health.

EFFECTIVE DATE:

Upon approval.