



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 28, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

House Bill 1836 HD 1– Relating to Health

The Disability and Communication Access Board (DCAB) supports House Bill 1836 HD1 – Relating to Health.

This bill would allow pharmacists, during declared states of emergency, to refill prescriptions of up to thirty-day supplies of dangerous drugs and dangerous devices if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

It is vitally important that a person with a medical condition is able to access medications that are part of their treatment program. This bill will ensure their continuity of care even during a declared state of emergency.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

Testimony of the Board of Pharmacy

**Before the
House Committee on Consumer Protection & Commerce
Wednesday, February 28, 2024
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H. B. 1836, H.D. 1, RELATING TO HEALTH**

Chair Nakashima and Members of the Committees:

My name is James Skizewski, and I am the Executive Officer of the Board of Pharmacy (Board). The Board supports this bill.

The purpose of this bill is to provide clear guidance for pharmacists to act in the best interest of patients by minimizing gap periods without medications during a state of emergency by allowing pharmacists to refill prescriptions of up to thirty-day supplies if the practitioner is unavailable to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

Pharmacies are geographically dispersed throughout the community with extended hours of operation, making access to health care provided through pharmacies readily available for patients in each locality. Considering the recent wildfires on Maui, the Board supports the allowances provided in this bill which is similar to the language included in emergency proclamations issued by Governor Josh Green and Acting Governor Sylvia Luke. This language allowed pharmacies and pharmacists to provide necessary health services to patients who were unable could contact their prescribers or medical providers due to the fire. These exemptions were essential to provide acute healthcare to patients who could have experienced severe adverse reactions with the absence of medication.

The Board appreciates the limitations included in this bill. The requirement of the issuance of a state of emergency and the limit of a thirty-day supply provide sufficient safeguards related to patient safety. The additional requirements to have pharmacists make every effort to contact the prescriber and use their professional judgement on a case-by-case basis creates the appropriate redundancies necessary to allow

prescription refills. These parameters ensure that services are not being provided on an indefinite period outside of the appropriate healthcare plan.

Thank you for the opportunity to testify on this bill.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
Wednesday, February 28, 2024 at 2:00 p.m.

By

Bonnie Irwin, Chancellor

and

Rae Matsumoto, Dean

Daniel K. Inouye College of Pharmacy

University of Hawai'i at Hilo

and

Michael Bruno, Provost

and

Lee Buenconsejo-Lum, Interim Dean

John A. Burns School of Medicine

University of Hawai'i at Mānoa

HB 1836 HD1 – RELATING TO HEALTH

Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Thank you for the opportunity to submit testimony on HB 1836 HD1. The University of Hawai'i at Hilo (UH Hilo) supports HB 1836 HD1, which allows pharmacists, during declared states of emergency, to refill prescriptions of up to 30 day supplies of controlled substances if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's wellbeing.

This bill essentially allows pharmacy provisions that happened during the emergency proclamations following the Lahaina fires to be codified so that quick action can be taken should another emergency occur. Community pharmacies and pharmacists play a vital role in our health care system with established relationships with patients and local, state, and federal departments of health as well as accessible distribution networks that remain critical during a state of emergency. Post-disaster lack of access to routine health care is a leading cause of morbidity and mortality. Hawai'i's healthcare system experienced the impact of delayed care for chronic conditions, which included patients going without medications until they could see their physician. In some instances, this resulted in hospitalization or worsening of their condition. When contact with prescribers cannot be made, pharmacists play a key role in determining the need for emergency

refill prescriptions for patients with chronic illnesses. Twenty-three states already have laws or regulations in place that allow prescription refills during an emergency.

The clear guidance provided for pharmacists through HB 1836 HD1 will allow the essential medication needs of people in Hawai'i to be addressed in a timely and responsible manner during a state of emergency. In summary, passage of HB 1836 HD1 will enable pharmacists, during states of emergency, to act in the best interest of patients and protect the wellbeing of the people of Hawai'i.

Thank you for the opportunity to testify in support of HB 1836 HD1.



**Testimony to the House Committee on Consumer Protection and Commerce
Wednesday, February 28, 2024; 2:00 p.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: HOUSE BILL NO. 1836, HOUSE DRAFT 1, RELATING TO HEALTH.

Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1836, House Draft 1, RELATING TO HEALTH.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would allow pharmacists to refill prescriptions of up to thirty-day supplies of dangerous drugs and dangerous devices if the prescriber is unavailable to authorize refills and if, in the pharmacist's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

This bill would also take effect on July 1, 3000.

In early August 2023, a series of wildfires broke out on the Island of Maui that caused severe destruction of businesses and residences in the town of Lahaina, and the loss of at least 100 persons. The Lahaina event was the deadliest wildfire in U.S. history.

Testimony on House Bill No. 1836, House Draft 1
Wednesday, February 28, 2024; 2:00 p.m.
Page 2

As the people of Maui began to grieve, heal and put their lives back in order, heroes stepped up to help their neighbors during their greatest time of need. One such hero was Cory Lehano, a pharmacist and owner of Mauiola Pharmacy, located about 40 minutes away from Lahaina. He and his staff scrambled to Lahaina with desperately needed medications to help residents from Lahaina, many of whom had their homes and all of their possessions destroyed by the fire, obtain refills of their prescriptions – in many cases for free. (See, <https://www.cbsnews.com/news/maui-wildfire-survivors-left-without-life-saving-medicine-doctor-cory-lehano-stepped-up-provide-them-for-free/>)

Lehano and his staff were able to do this because of the Governor's use of emergency powers easing various pharmacy regulations that would have prohibited the refilling of medications in this manner. However, recognizing the exigent circumstances of this situation, regulators, administrators, and providers came together to help the victims of the fire immediately.

Mauiola Pharmacy is a contractor of Lanai Community Health Center (LCHC). He helped to develop LCHC's model Telepharmacy Program, which ensures that more than 70% of Lanai's population are able to receive prescription medications cheaper and quicker under the federal 340B program. To the HPCA, we are not surprised by what Lehano and Mauiola Pharmacy did in Lahaina. He was already a hero to the people of Lanai.

This bill would clarify statutes to ensure that if another crisis like the Lahaina wildfire should arise, pharmacists like Cory Lehano can step up once again. In our opinion, it makes sense to change the law this way.

Accordingly, the HPCA strongly urges your favorable consideration of this measure.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

Date: February 28, 2024

From: Hawaii Medical Association

Elizabeth England, MD

Chair, HMA Public Policy Committee

Re: HB 1836 HD1, RELATING TO HEALTH

Position: SUPPORT

Thank you for the opportunity to submit testimony in **SUPPORT of HB1836 HD1**, which allows pharmacists to refill prescriptions if providers are unavailable during a declared state of emergency.

HMA appreciates that this bill will facilitate patient access to care and continued treatment when extenuating circumstances may limit a patient's ability to get refills from their provider. Allowing pharmacists to assist with refills when these circumstances arise can help prevent exacerbations of chronic disease that can further strain our healthcare system and negatively impact patient outcomes. The HMA appreciates the addition of language that requires pharmacists to notify the prescriber that a refill was dispensed within 24 hours.

Thank you for allowing the HMA to testify on this measure.

2024 Hawaii Medical Association Officers

Elizabeth Ann Ignacio, MD, President • Nadine Tenn-Salle, MD, President Elect • Angela Pratt, MD, Immediate Past President
Jerris Hedges, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

2024 Hawaii Medical Association Public Policy Coordination Team

Beth England, MD, Chair
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director



House Committee on Consumer Protection & Commerce
Rep. Mark M. Nakashima, Chair
Rep. Jackson D. Sayama, Vice Chair

Hearing Date: Wednesday, February 28, 2024

ACS CAN SUPPORTS HB 1836 HD1 – RELATING TO HEALTH.

Cynthia Au, Government Relations Director – Hawaii Guam
American Cancer Society Cancer Action Network

Thank you for the opportunity to SUPPORT HB 1836 HD1 – Relating to Health which allows pharmacists, during declared states of emergency, to refill prescriptions of up to 30 day supplies of dangerous drugs and dangerous devices if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's wellbeing.

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society advocates for public policies that reduce death and suffering from cancer. ACS CAN works with federal, state, and local government bodies to support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem.

Thank you again for the opportunity to provide testimony in SUPPORT on this important matter. Should you have any questions, please do not hesitate to contact Government Relations Director Cynthia Au at 808.460.6109, or Cynthia.Au@Cancer.org.



Wednesday, February 28, 2024 at 2:00 pm
Conference Room 329

House Committee on Consumer Protection and Commerce

To: Chair Mark M. Nakashima
Vice Chair Jackson D. Sayama

From: Paige Heckathorn Choy
AVP, Government Affairs
Healthcare Association of Hawaii

Re: **Testimony in Support**
HB 1836 HD 1, Relating to Health

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing more than 30,000 people statewide.

Thank you for the opportunity to provide testimony in **support** of this measure, which seeks to ensure that patients have access to needed medications quickly in the event of a natural disaster. Many of our members stepped up after the wildfire disaster to work with other stakeholders to help ensure that residents who needed a refilled prescription were able to access those critical supplies. This was extremely difficult at times, but we are proud of the work our members did in their communities to meet the needs.

At the time, language was needed in emergency proclamation to not only make the dispensation of medications easier, but to also ensure that centralized services and mobile pharmacies could be used to reach displaced residents. We are supportive of amendments offered to ensure that these services can be used readily in an emergency.

Thank you for the opportunity to testify on this important matter.



SanHi

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 28, 2024

TO: Representative Mark M. Nakashima
Chair, Committee on Consumer Protection & Commerce

FROM: Mihoko Ito / Tiffany Yajima

RE: **H.B. 1836, H.D.1 – Relating to Health**
Hearing Date: Wednesday, February 28, 2024 at 2:00 p.m.
Conference Room: 329

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection & Commerce:

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 9,000 locations in all 50 states, the District of Columbia, and Puerto Rico. In Hawaii, Walgreens has 17 stores on the islands of Oahu and Maui.

Walgreens submits **comments** on this measure and offers amendments. H.B. 1836 H.D.1 allows pharmacists, during declared states of emergency, to refill prescriptions of up to thirty-day supplies of drugs if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist’s professional judgement, failure to refill the prescription might interrupt the patient’s ongoing care and have a significant adverse effect on the patient’s well-being.

While we support the intent of the original draft of H.B.1836, we note that the H.D.1 language allows pharmacists to dispense up to a 30-day supply of all controlled substances. This is not likely the intended outcome of the bill and is problematic because it would violate the federal controlled substances laws.

In the aftermath of the Maui wildfires, Walgreens participated in a group with other stakeholders to address emergency pharmacy needs so that people who were affected by the disaster could access critical medicines. These pharmacy provisions are set forth in the Governor’s current wildfire [emergency proclamation](#) and cover three areas: 1) allowing pharmacists to refill prescriptions up to a thirty-day supply, 2) allowing pharmacies to utilize centralized services, where available, to review prescriptions and counsel patients, and 3) establishing mobile or temporary pharmacies.

We would recommend amending this bill to include language from the existing emergency proclamation on refilling prescriptions, which restricts emergency prescription refills to non-controlled substances. We would also support including emergency proclamation language to add the use of pharmacy centralized services or establish mobile or temporary pharmacies, as well as other conforming amendments to be consistent with the emergency proclamation.

Thank you for the opportunity to submit this testimony.



February 28, 2024

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection & Commerce

Re: HB 1836 HD1– Relating to Health

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide comments on HB 1836 HD1, which will allow pharmacists, during declared states of emergency, to refill prescriptions of up to thirty-day supplies of dangerous drugs and dangerous devices if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's wellbeing.

We support the legislature's intent to ensure access to needed medication especially during emergency scenarios as we saw last August during the Maui wildfires. We request that the committee consider limiting the applicability of the measure to individuals who are directly impacted by the State of Emergency for clarity under these circumstances.

Thank you for the opportunity to provide comments on HB 1836 HD1.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations



Testimony presented before the
House Committee on Consumer Protection
February 28, 2024

Corrie L. Sanders on behalf of
The Hawai'i Pharmacists Association

To the honorable Chair Nakashima and members of the Consumer Protection Committee,

I am writing to emphasize the importance of HB1836 and to offer the support of the Hawaii Pharmacists Association (HPhA) in addition to amendments.

HPhA acknowledges the pressing need for this measure, particularly after the response from our profession during and after the tragic fires in Lahaina. In the aftermath of the fires, it was a pharmacy that was the closest standing medical entity outside the burn zone that was equipped to provide immediate medical care. Pharmacists not only filled prescriptions for displaced residents but began treatment and triage of chronic disease states alongside other medical professionals.

Other pharmacy responses included coordination of manufacturers and suppliers to protect the medication distribution chain, establishment of remote medication verification to leverage pharmacists across the state and country in support of Lahaina, and the collection of baseline health information if medical records were destroyed.

An integral part of leveraging our profession during this time was due to an excellent working group that communicated daily to the Office of the Governor and designated medical response teams. Through a series of emergency proclamations, pharmacists promptly navigated many statutory barriers to serve the citizens of Maui. Although this working group was swift and effective, it certainly would help coordinate a faster disaster response should the needs highlighted from the working group automatically defect into place during states of emergency.

We would like to point out that imparting strict limitations on contacting providers during times of emergency may have unintended legal and logistical consequences for pharmacists. As seen in Lahaina, providers themselves may not be working should their offices be directly affected. Placing a requirement to continue attempted contact with a provider who cannot be reached puts an unnecessary workload on the pharmacy team. **We support the current language that limits supply of medication and strongly feel that 'every reasonable effort' is appropriate given that fax, telephone, and electronic mail may not be available means of communication during times of crisis.**

We sincerely appreciate emergency procedures being placed into statute and will continue to serve our communities during times of need.

Very respectfully,

Corrie L. Sanders, PharmD., BCACP, CPGx
President, Hawai'i Pharmacists Association

HB-1836-HD-1

Submitted on: 2/23/2024 6:46:36 PM

Testimony for CPC on 2/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure

HB-1836-HD-1

Submitted on: 2/23/2024 9:09:35 PM

Testimony for CPC on 2/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronald Taniguchi, Pharm.D., MBA	Individual	Support	Written Testimony Only

Comments:

I support the passage of HB1836 HD1 as written. Mahalo