

ACT 201

H.B. NO. 123

A Bill for an Act Relating to the Practice of Pharmacy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In 2002, the legislature passed H.B. 1842, H.D. 1, S.D. 2, C.D. 1, which became Act 256, Session Laws of Hawaii 2002, to enable pharmacists to provide services in a broader range of clinical settings. The legislature noted that the increasing complexity of drug therapy required pharmacists to participate in the treatment of, and be the advocate for, the patient, in collaboration with other health care professionals.

Unintended pregnancies are a major public health concern affecting individuals and society in general. Each year, about three million five hundred thousand

unintended pregnancies occur in this country, half of which result from contraceptive failure or inadequate contraceptive technique. According to the department of health's office of health status monitoring, in 2000, fifty-three per cent of pregnancies were unintended for women of all ages in Hawaii, and seventy-eight per cent were unintended among women under twenty years of age.

Emergency contraception is a highly cost-effective method of reducing unintended pregnancies, if taken within seventy-two hours after unprotected sex. However, in a statewide study conducted in early January of 2002, the Healthy Mothers, Healthy Babies Coalition of Hawaii learned that there are significant barriers to accessing emergency contraceptives in Hawaii within the recommended seventy-two hour time frame. The American College of Obstetricians and Gynecologists, American Academy of Pediatricians, American Public Health Association, and more than fifty other national organizations support increased access to emergency contraception.

The purpose of this Act is to enable pharmacists with appropriate training and who are working in collaboration with a physician to initiate emergency contraception oral drug therapy.

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

“Emergency contraception” means a drug that:

- (1) Is used postcoitally;
- (2) Prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and
- (3) Is approved by the United States Food and Drug Administration.”

2. By amending the definition of “licensed medical doctor” and “practice of pharmacy” to read:

“~~“Licensed [medical-doctor]”~~ physician” means a ~~[medical-doctor]~~ physician licensed by the board of medical examiners pursuant to chapter 453 or ~~[the board of osteopathic examiners under chapter]~~ 460.

“Practice of pharmacy” means:

- (1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefore; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices;
- (2) Performing the following procedures or functions as part of the care provided by and in concurrence with a “health care facility” and “health care service” as defined in section 323D-2, or a “pharmacy” or a licensed ~~[medical-doctor,]~~ physician, or a “managed care plan” as defined in section 432E-1, in accordance with policies, procedures, or protocols developed collaboratively by health professionals, including physicians and surgeons, pharmacists, and registered nurses, and for which a pharmacist has received appropriate training required by these policies, procedures, or protocols:
 - (A) Ordering or performing routine drug therapy related patient assessment procedures;
 - (B) Ordering drug therapy related laboratory tests;
 - (C) Initiating emergency contraception oral drug therapy in accordance with a written collaborative agreement approved by the board, between a licensed physician and a pharmacist who has

- received appropriate training that includes programs approved by the American Council of Pharmaceutical Education (ACPE), curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
- ~~[(C)]~~ (D) Administering drugs orally, topically, or by injection, pursuant to the patient's licensed ~~[medical-doctor's]~~ physician's order, by a pharmacist having appropriate training that includes programs approved by the ~~[American Council of Pharmaceutical Education—(ACPE)],~~ curriculum-based programs from an ~~[American Council of Pharmaceutical Education-accredited]~~ ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
- ~~[(D)]~~ (E) Administering immunizations by injection to persons eighteen years of age or older, by a pharmacist having appropriate training that includes programs approved by the ~~[American Council of Pharmaceutical Education,]~~ ACPE, curriculum-based programs from an ~~[American Council of Pharmaceutical Education-accredited]~~ ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
- ~~[(E)]~~ (F) As authorized by a licensed ~~[medical-doctor's]~~ physician's written instructions, initiating or adjusting the drug regimen of a patient pursuant to an order or authorization made by the patient's licensed ~~[medical-doctor]~~ physician and related to the condition for which the patient has been seen by the licensed ~~[medical-doctor,]~~ physician; provided that the pharmacist shall issue written notification to the patient's licensed ~~[medical-doctor]~~ physician or enter the appropriate information in an electronic patient record system shared by the licensed ~~[medical-doctor,]~~ physician, within twenty-four hours;
- ~~[(F)]~~ (G) Transmitting a valid prescription to another pharmacist for the purpose of filling or dispensing; or
- ~~[(G)]~~ (H) Providing consultation, information, or education to patients and health care professionals based on the pharmacist's training and for which no other licensure is required; and
- (3) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy.”

SECTION 3. Section 431:10A-116.6, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) For purposes of this section:

“Contraceptive services” means physician-delivered, physician-supervised, physician assistant-delivered, nurse practitioner-delivered, certified nurse midwife-delivered, ~~[or]~~ nurse-delivered, or pharmacist-delivered medical services intended to promote the effective use of contraceptive supplies or devices to prevent unwanted pregnancy.

“Contraceptive supplies” means all United States Food and Drug Administration-approved contraceptive drugs or devices used to prevent unwanted pregnancy.”

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SECTION 4. Section 431:10A-116.7, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) For purposes of this section:

“Contraceptive services” means physician-delivered, physician-supervised, physician assistant-delivered, nurse practitioner-delivered, certified nurse midwife-delivered, ~~[or] nurse-delivered, or pharmacist-delivered~~ medical services intended to promote the effective use of contraceptive supplies or devices to prevent unwanted pregnancy.

“Contraceptive supplies” means all United States Food and Drug Administration-approved contraceptive drugs or devices used to prevent unwanted pregnancy.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 24, 2003.)