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# A BILL FOR AN ACT

RELATING TO PRESCRIPTIONS.

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

1           SECTION 1. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§328-       Dispensing refills for prescriptions during a  
5 state of emergency or disaster. (a) Any other law to the  
6 contrary notwithstanding, in the event of a declared state of  
7 disaster or state of emergency in the State, time restrictions  
8 on filling or refilling prescriptions for a prescription drug  
9 may be waived if requested by the covered person or subscriber.

10 A prescription drug may be dispensed or refilled to:

11           (1) Obtain one refill on a prescription if there are  
12           authorized refills remaining; or

13           (2) Fill one replacement prescription for one that was  
14           recently filled, as prescribed or approved by the  
15           prescriber of the prescription that is being replaced  
16           and not contrary to the dispensing authority of the  
17           dispensing pharmacy.



1        (b) Payment to pharmacies for any prescription dispensed  
2 in accordance with subsection (a) shall be authorized by the  
3 insurer regardless of the date upon which the prescription had  
4 most recently been filled by a pharmacist, if:

5        (1) The governor declares a state of disaster or state of  
6 emergency in the State or the president of the United  
7 States declares a major disaster under the Robert T.  
8 Stafford Disaster Relief and Emergency Assistance Act,  
9 42 U.S.C. §5121, et seq., as amended;

10       (2) The covered person requesting coverage of the refill  
11 or replacement prescription resides in a county that  
12 is covered under a declaration of state of disaster or  
13 state of emergency issued by the governor or by a  
14 declaration of major disaster issued by the President  
15 of the United States; and

16       (3) The prescription drug is requested within twenty-nine  
17 days after the date of the declaration of disaster or  
18 emergency.

19       (c) The time period for the waiver of dispensing  
20 prescription drug refills may be extended in thirty day  
21 increments by an order issued by the director. Additional  
22 refills still remaining on a prescription shall be covered by



1 the insurer as long as consistent with the orders of the  
2 prescriber or authority of the dispensing pharmacy.

3 (d) This section does not excuse or exempt an insured or  
4 subscriber from any other terms of the policy or certificate  
5 providing coverage for prescription medications.

6 (e) Quantity limitations shall be consistent with the  
7 original prescription and the extra or replacement fill may  
8 recognize proportionate dosage use prior to the disaster.

9 (f) No requirements additional to those under the  
10 pharmacy-provider agreement or the prescription benefit plan may  
11 be placed upon the provider for coverage of the replacement fill  
12 or extra fill.

13 (g) Nothing in this section is intended to affect the  
14 respective authority or scope of practice of prescribers or  
15 pharmacies."

16 SECTION 2. Chapter 461, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§461- Dispensing refills for prescriptions during a**  
20 **state of emergency or disaster. Time restrictions on dispensing**  
21 **refills of prescriptions may be waived and a prescription drug**  
22 **may be dispensed and refilled pursuant to section 328- ."**



1           SECTION 3. Online emergency prescription database. (a)  
2 The director of health is directed to convene a collaborative  
3 work group to establish an online emergency prescription  
4 database to provide licensed prescribers and pharmacists caring  
5 for victims of a state of emergency or state of disaster with  
6 secure access to patients' comprehensive medication history.  
7 The work group shall convene no later than September 1, 2008,  
8 and shall include representatives of:

- 9           (1) Health care providers;
- 10          (2) Licensed prescribers;
- 11          (3) Pharmacists;
- 12          (4) Health care insurers;
- 13          (5) Health information technology hardware and software  
14             providers or developers;
- 15          (6) State medicaid programs;
- 16          (7) State and county agencies that coordinate or provide  
17             emergency medical systems;
- 18          (8) Health care facilities;
- 19          (9) The department of health;
- 20          (10) The department of human services;
- 21          (11) The insurance commissioner; and
- 22          (12) Consumers of prescription drugs.



1 (b) The work group shall review the establishment,  
2 implementation, and maintenance of the existing online resource,  
3 the In Case of Emergency Prescription Database (ICERx), at  
4 ICERx.org, and shall consult with the contributing partners of  
5 ICERx, the American Medical Association, Informed Decisions, the  
6 National Association of Chain Drug Stores, the National  
7 Community Pharmacists Association, RxHub, SureScripts, and other  
8 relevant public and private organizations on issues relating to  
9 the establishment and implementation of an online emergency  
10 prescription database. Currently, ICERx provides a centralized  
11 place to record and retrieve medication information on patients  
12 dislocated during a disaster and to improve information exchange  
13 between health care providers caring for these patients. After  
14 reviewing ICERx and consulting with its partners, the work group  
15 shall determine whether it would be more effective and practical  
16 to:

- 17 (1) Establish a similar online emergency prescription  
18 database in the State; or
- 19 (2) Mandate participation in ICERx by health care  
20 professionals, including licensed prescribers and  
21 pharmacists, and appropriate state and county agencies



1           and develop an educational program relating to the  
2           access and availability of ICERx for consumers.

3           An emergency prescription database shall be operational in  
4 the State no later than July 1, 2009.

5           (c) The work group shall submit a report to the  
6 legislature no later than twenty days prior to the convening of  
7 the regular session of 2009 on the establishment and  
8 implementation of an online emergency prescription database in  
9 the State. The work group shall cease to exist on June 30,  
10 2009.

11           SECTION 4. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$           or so much  
13 thereof as may be necessary for fiscal year 2008-2009 for the  
14 establishment and implementation of an online emergency  
15 prescription database to provide licensed prescribers and  
16 pharmacists in the State with medication information for  
17 disaster victims.

18           The sum appropriated shall be expended by the department of  
19 health for the purposes of this Act.


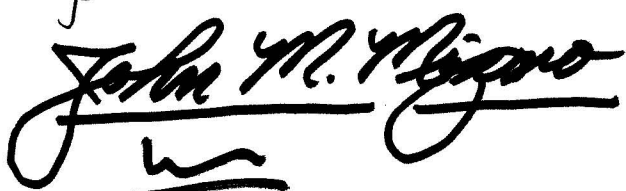

20           SECTION 5. New statutory material is underscored.



# H.B. NO. 2270

1 SECTION 6. This Act shall take effect upon its approval;  
2 provided that section 4 shall take effect on July 1, 2008.  
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INTRODUCED BY:

  
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Kirk Caldwell  
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JAN 15 2008



**Report Title:**

Prescriptions; Refills; Disaster; Online Emergency Rx Database

**Description:**

Authorizes refills for prescriptions during disasters. Directs the director of health to convene a work group to establish an online emergency prescription database. Appropriation.

