

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

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DIRECTOR

**DAVID F. FESTERLING**  
Deputy Director  
Administration

**TOMMY JOHNSON**  
Deputy Director  
Corrections

**JAMES L. PROPOTNICK**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2157 SD1 HD1  
RELATING TO HEALTH  
Clayton A. Frank, Director  
Department of Public Safety

Committee on Finance  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Monday, March 31, 2008, 4:30 p.m.  
State Capitol, Conference Room 308

Representative Oshiro and Members of the Committee:

The Department of Public Safety supports Senate Bill 2157 SD1 HD1 in regards to Section 3 that proposes to extend the time limit in which a Schedule II controlled substance prescription must be filled. Presently all Schedule II controlled substance prescriptions are valid for only 3 days. Senate Bill 2157 SD1 HD1 proposes to extend that to 7 days to assist patients that may have difficulties in getting to the pharmacy within the three-day time limit. The Department supports this measure that will assist patients in obtaining their prescribed medications.

Thank you for the opportunity to testify on this matter.

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
SENATE BILL NO. 2157, S.D. 1, H.D. 1

March 31, 2008

RELATING TO HEALTH

Senate Bill No. 2157, S.D. 1, H.D. 1, among other things, establishes a Hawaii Health Corps Fund to be administered by the Department of Health for the collection of moneys appropriated by the Legislature for the Hawaii Health Corp Program, gifts, donations, and grants from public agencies and private persons, reimbursements of loan repayments, proceeds of the operations of the program and interest earned or accrued on moneys deposited in the fund. The proposed fund would be used to provide loan repayment and stipends for physicians and dentists who agree to work in health professional shortage areas and as first responders during civil defense and other emergencies.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Section 37-52.3 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. It is difficult to determine whether the fund will be self-sustaining.

LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR



KURT KAWAFUCHI  
DIRECTOR OF TAXATION

SANDRA L. YAHIRO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF TAXATION  
P.O. BOX 259  
HONOLULU, HAWAII 96809

PHONE NO: (808) 587-1510  
FAX NO: (808) 587-1560

## HOUSE COMMITTEE ON FINANCE

### TESTIMONY REGARDING SB 2157 SD 1 HD 1 RELATING TO HEALTH

**TESTIFIER:** KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)  
**DATE:** MARCH 31, 2008  
**TIME:** 4:30PM  
**ROOM:** 308

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As amended, this measure seeks to allow qualifying businesses that provide medical and healthcare services to qualify for the tax benefits provided by the Enterprise Zone program administered by the Department of Business, Economic Development & Tourism.

The Department of Taxation (Department) takes **no position** on this measure, however cites the revenue impact of this legislation. **The Department defers to the Department of Business, Economic Development & Tourism on the necessity of including these businesses within the current zones as a matter of policy.**

#### **NOT FACTORED INTO EXECUTIVE BUDGET**

The Department initially points out that this legislation has not been factored into the Executive Budget and has not been prioritized as a means of tax relief this legislative session.

#### **ENTERPRISE ZONES, GENERALLY**

Currently, the administration of Enterprise Zones to encourage economic development in distressed areas of the State has proven an effective partnership between the State and private enterprise. Given the current healthcare crises in underserved areas, this legislation's adopting of the Enterprise Zone model could prove useful in designating target areas to attract healthcare businesses where needed most.

**REVENUE IMPACT**

The tax component of this measure will result in an annual revenue loss estimated at \$2.8 million in FY 2009 (1/2 year impact from GET exemption), and \$7.0 million in FY 2010 and thereafter.



HOUSE COMMITTEE ON FINANCE  
Rep. Marcus Oshiro, Chair

Conference Room 308  
March 31, 2008 at 4:30 p.m. (Agenda #3)

**Testimony on SB 2157 SD 1 HD 1.**

I am Rich Meiers, President and CEO of the Healthcare Association of Hawaii, which represents the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. Thank you for this opportunity to testify on SB 2157 SD 1 HD 1. The Healthcare Association supports the establishment of the Hawaii Health Corps Program, which encourages physicians and dentists to practice in shortage areas by providing loan repayments to medical and dental students, in addition to stipends and other incentives to practicing physicians and dentists.

In recent weeks the media have featured a number of articles highlighting the complex and multi-faceted crisis that is plaguing Hawaii's health care system. Payments for health care from Medicare, Medicaid, and private insurance are too low. Medical malpractice insurance premiums are too high. Some physicians have already left Hawaii to practice on the mainland where financial conditions are more viable. Kahuku Hospital was on the verge of bankruptcy a year ago and about to close its doors before it was acquired by the Hawaii Health Systems Corporation (HHSC). Meanwhile, HHSC is requesting emergency funding during the current session in order to pay its suppliers. This bill addresses one aspect of Hawaii's health care crisis.

Many rural areas of our state are especially impacted because of a dispersed population. Urban areas, with their population density, provide a much greater potential to attract patients. Physicians are especially affected because of the high cost of medical malpractice insurance. Dentists are also in short supply in many rural areas.

This bill creates an innovative program that encourages physicians and dentists to serve in medically underserved areas. It creates a loan forgiveness program for medical and dental students that provides incentives to practice in medically underserved areas after graduation. The program also provides stipends and other incentives to physicians and dentists who practice in shortage areas. This bill addresses the shortage of physicians and dentists in many rural areas that limits access to care.

For the foregoing reasons, the Healthcare Association supports SB 2157 SD 1 HD 1.



March 31, 2008

House Finance Committee

Chair Marcus R. Oshiro, Chair

Vice-Chair Marilyn B. Lee

4:30 PM, Monday, March 31, 2008

State Capitol, RM 308

**RE: In support of SB2157 SD1- Relating to Health**

Dear Chair Oshiro, Vice-Chair Lee and Members of the Committee:

Good afternoon, my name is Leinaala Ley and I am the Director of Government Relations for the American Cancer Society Hawaii Pacific Inc. Thank you for the opportunity to testify on this bill. On behalf of the Society and the many individuals who have been touched by cancer I ask you to restore this bill to the language in SD1. This will preserve the original intent of this bill, which is to improve quality of life for people in Hawai'i by removing barriers to good pain management.

The American Cancer Society Hawaii Pacific Inc. advocates for policies that will reduce the incidence and burden of cancer in Hawaii and improve the quality of life for people living with this disease. Because pain is one of the most common symptoms associated with cancer, pain management is an essential part of patient quality of life.

Hawaii, approximately 5,000 people are diagnosed with cancer each year. Pain affects an estimated:

- 30% of patients newly diagnosed with cancer
- 30%-50% of patients undergoing treatment
- 70%-90% of patients with advanced disease

Fortunately, nearly all cancer pain can be relieved. In its original form SB2157 SD1 extended the length of time a prescription for Schedule II drugs is valid from three to seven days. This small change would allow caregivers and patients who are already overwhelmed by the challenges of cancer treatment and care additional opportunities to fill a prescription that is necessary to alleviate pain and improve the patient's quality of life.

The Pain and Policy Study Group (PSPG) at the University of Wisconsin is an expert resource on balanced pain management policies that both ensure that pain medications are available to patients who need them while keeping those medications away from those who intend to misuse them. According to the PSPG, federal law and most state laws do not establish a period of validity for a controlled substances prescription. Hawaii's three-day limitation on prescriptions is cited as particularly restrictive for patient access to pain management medications. A summary of the most recent PSPG state report card on pain management policies is attached as a resource for the committees.

As you know, uncontrolled pain can devastate quality of life for patients, survivors, and their loved ones. It can affect all aspects of daily functioning- sleep, work, and relationships. Balancing pain management and necessary

American Cancer Society Hawai'i Pacific, Inc.

2570 Nu'uuanu Avenue, Honolulu, Hawai'i 96817-1714

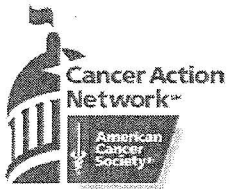
•Phone: (808) 595-7500 •Fax: (808) 595-7502 •24-Hour Cancer Info: (800) 227-2345 •<http://www.cancer.org>

Drug control efforts is possible. We ask that you pass this bill to improve pain management for cancer patients and other Hawaii residents living with chronic pain.

Thank you for your consideration.

Sincerely,

Leinaala Ley  
432-9149



# Pain & Policy Studies Group Achieving Balance in State Pain Policy A Progress Report Card (Third Edition)

## “At A Glance”

Federal and state laws and regulations can be helpful or harmful to pain control.

PPSG has developed a peer-reviewed, validated approach for evaluating state policies that influence pain management and grading each state from A to F depending on the degree their policies enhance or impede pain management.

The complete Progress Report Card and accompanying Evaluation Guide can be found at PPSG's web site:

[http://www.painpolicy.wisc.edu/Achieving\\_Balance/index.html](http://www.painpolicy.wisc.edu/Achieving_Balance/index.html)

## Policies must be balanced

PPSG's evaluation is based on a **Central Principal of Balance**. This means policies should both:

- Ensure prescription pain medications are available to patients who need them
- Keep those medications away from those who intend to misuse them.

Higher grades mean the state has more balanced policy that is consistent with modern medical standards. Lower grades indicate the presence of policies that restrict healthcare decision-making, contradict current medical knowledge, and do not communicate appropriate messages about pain management and using pain medications.

## Grades are based on 16 evaluation criteria

*Positive provisions:* Policy language with the potential to enhance pain management:

1. Controlled substances are recognized as necessary for the public health
2. Pain management is recognized as part of general medical practice
3. Medical use of opioids is recognized as legitimate professional practice
4. Pain management is encouraged
5. Practitioners' concerns about regulatory scrutiny are addressed
6. Prescription amount alone is recognized as insufficient to determine the legitimacy of prescribing
7. Physical dependence or analgesic tolerance are not confused with "addiction"
8. Other provisions that may enhance pain management

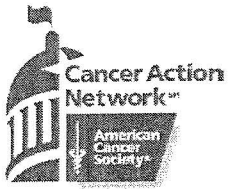
*Negative provisions:* Policy language with the potential to impede pain management:

9. Opioids are considered a treatment of last resort
10. Medical use of opioids is implied to be outside legitimate professional practice
11. Physical dependence or analgesic tolerance are confused with "addiction"
12. Medical decisions are restricted
13. Length of prescription validity is restricted
14. Practitioners are subject to additional prescription requirements
15. Other provisions that may impede pain management
16. Provisions that are ambiguous

The report card measures only positive and negative aspects of policies regarding pain management. The grade is not an indicator of whether cancer patients or survivors in any particular state receive adequate treatment to control their pain at the bedside.

Changing state policy alone is not enough; we must also work to ensure the policies are understood by communicating those changes to those who implement the policy and are affected by it — practitioners, the public, policymakers, regulators, investigators and enforcement officials.





# PPSG At A Glance Fact Sheet Third Edition

## State Grades: 2000, 2003, 2006, and 2007

State	2002	2003	2006	2007
Alabama	B	B	B+	B+
Alaska	C	C+	C+	C+
Arizona	B	B	B	B+
Arkansas	C+	C+	B	B
California	C	C	C	B
Colorado	C	C	C+	B
Connecticut	C	C	C+	B
Delaware	C+	C+	C+	C+
DC	D+	D+	C+	C+
Florida	B	B	B	B
Georgia	D+	D+	D+	D+
Hawaii	C	C	B	B
Idaho	C	C+	B	B
Illinois	C	C	C	C
Indiana	C	C+	C+	C+
Iowa	C+	B	B	B
Kansas	C+	B+	B+	A
Kentucky	D+	C+	B	B
Louisiana	C	C	C	C
Maine	B	B	B	B
Maryland	C+	B	B	B
Massachusetts	C	B	B	B+
Michigan	B	A	A	A
Minnesota	C+	C+	B	B
Mississippi	C	C	C+	C+

State	2002	2003	2006	2007
Missouri	D+	C+	C+	C+
Montana	C+	C+	C+	C+
Nebraska	B+	B+	B+	B+
Nevada	D+	C	C	C
New Hampshire	C	C+	C+	B
New Jersey	D+	C	C+	C+
New Mexico	B	B+	B+	B+
New York	D	C	C	C
North Carolina	B	B	B	B
North Dakota	C	C	B	B
Ohio	B	B	B	B
Oklahoma	C+	C+	C+	C+
Oregon	C+	C+	B+	B+
Pennsylvania	C+	C+	C+	C+
Rhode Island	D+	D+	B	B
South Carolina	C+	C+	C+	C+
South Dakota	B	B	B	B
Tennessee	D	C	C	C
Texas	C	C	C	C
Utah	C+	C+	B	B
Vermont	C	C+	B+	B+
Virginia	B	B	A	A
Washington	B	B	B	B
West Virginia	C+	B	B	B
Wisconsin	C	C+	B	A
Wyoming	C	C	C+	C+



**KŌKUA MAU**

"Continuous Care"

Hawai'i Hospice and Palliative Care Organization

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P.O. Box 62155 • Honolulu, HI 96839 • Tel: 808-585-9977 • Fax: 808-988-3877 • www.kokuamau.org

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Rachael S. Wong, MPH  
Executive Director

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

Kōkua Mau, our statewide hospice and palliative care organization, strongly supports SB2157 SD1, which will improve care for people living with pain in Hawai'i. The passage of this bill is important because it will improve quality of life for individuals and families in Hawai'i affected by pain. We ask that the Finance Committee please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

It is vital to recognize the importance of quality pain management for those living with chronic, serious illness or at the end of life. The Wisconsin Pain & Policy Studies Group's 2007 *Achieving Balance in Federal and State Pain Policy* states: "[u]nrelieved pain is considered a serious public health problem" and "a gap continues to exist between the possibility and the reality of adequate pain management".

HB3242 addresses the provisions in current Hawai'i law that impede pain management, and it will elevate our state's pain policies to national best practice standards. Just as our community's capacity to provide quality pain management grows, policy improvements are necessary to ensure access to this care. The Kōkua Mau Advisory Board—which includes 11 physicians who practice pain management, palliative and geriatric medicine, all eight of the hospice directors in the state, and six nurses who specialize in oncology, pain management and palliative care—fully support this measure.

This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact me for more information.

Sincerely,

Executive Director

**Testimony Presented Before  
House Finance Committee  
Thursday, March 31, 2008  
4:30 PM  
State Capitol, Room 308**

**SAI CHANTAVY, EXECUTIVE DIRECTOR/CEO  
Maunalani Nursing and Rehabilitation Center**

**SB 2157, SD 1 Relating to the Controlled Substances Act; Pain Patient's Bill of Rights**

Chair Marcus R. Oshiro, Vice Chair Marilyn B/ Lee and members of the Committee:

Thank you for this opportunity to provide testimony regarding SB 2157, SD1 relating to the Controlled Substances Act; Pain Patient's Bill of Rights.

As a healthcare provider in a skilled nursing facility, I ask that the House Finance Committee restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

I support this bill, which would allow for the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this matter.

Sincerely,

Sai Chantavy, Executive Director/CEO  
MAUNALANI NURSING AND REHABILITATION CENTER  
5113 Maunalani Circle  
Honolulu, HI 96816  
Tel: (808) 732-0771



# Kaua'i Hospice

*a special kind of caring*

March 25, 2008

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Lori J. Miller, Executive Director  
Kaua'i Hospice, Inc.  
(808) 245-7277  
lmiller@kauaihospice.org

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Lori J. Miller, and I am writing in support of SB2157 SD1, which will improve care for people living with pain in Hawai'i. Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

As the Executive Director of Kaua'i Hospice, the only hospice on the Garden Island, I am keenly aware of the importance of this bill as it relates to individuals facing end-of-life issues. I believe being comfortable and managing pain is of utmost importance to all of us who will someday find ourselves facing the end of our life.

I strongly support passage of this bill because it is the right thing to do to improve the quality of life for Hawaii residents. Additionally, this legislation does not cost anything to implement. This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. I value your support of palliative and hospice care issues and your serious consideration of this bill.

Thank you for the opportunity to submit this testimony. Please do not hesitate to contact me for more information.

Most sincerely,

*Lori J. Miller*

Lori J. Miller  
Executive Director

**A JOINT LEGISLATIVE EFFORT**

E-Mail to: [FINTestimony@Capitol.hawaii.gov](mailto:FINTestimony@Capitol.hawaii.gov)  
Regarding: House FIN Committee  
Hearing on: March 31, 2008 @ 4:30 p.m. in room 308

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Rauckhorst, Jerome  
Tong, Myron  
Yoshimitsu, Walter

**Date:** March 28, 2008  
**To:** House Committee on Finance  
The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn Lee, Vice Chair  
**From:** Walter Yoshimitsu  
Roman Catholic Church in the State of Hawaii  
**Re:** **Support for SB 2157 SD 1 HD 1 Relating to Health**

Hawaii Family Forum (HFF) is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in Hawaii, which under the leadership of Bishop Larry Silva, represents over 210,000 Catholics in Hawaii.

I am writing in support of SB 2157 SD 1 HD 1, which will improve care for people living with pain in Hawai'i. In 1999 HFF, along with the Hawaii Medical Association, founded Hawaii's Partnership for Appropriate and Compassionate Care, a coalition of medical, disability rights and faith-based groups committed to improved end of life care and to stopping legalized physician assisted suicide and death.

We strongly believe that improved end-of-life care, including improved pain management and palliative care, is essential to effective health care delivery for all Hawaii residents.

This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact me for more information.

Mahalo for the opportunity to testify.

## FINTestimony

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**From:** Gary Simon [GarySimon@hawaii.rr.com]  
**Sent:** Sunday, March 30, 2008 10:46 AM  
**To:** FINTestimony  
**Cc:** Wo, David; Schick, Eudie; manis; McCullough, Bruce; Mattson, Harry; Thompson, Ed; Stowell, Diane; Sumja, Michael; Wegner, Eldon; Lum, Wes L. W.; Yadao, Joy; Wong, Rachael S.; Simon, Gary  
**Subject:** Testimony In Support Of SB 2157, SD 1; Hearing Date & Time: Monday, March 31, 2008, 4:30 p. m.

**To:** **House Committee on Finance**  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

**From:** Gary Simon  
Chair  
Legislative Committee  
Policy Advisory Board for Elder Affairs  
Email: [GarySimon@hawaii.rr.com](mailto:GarySimon@hawaii.rr.com)

I am submitting written testimony only.

The Committee is requesting two copies of the testimony.

Date and Time of Hearing: Monday, March 31, 2008, 4:30 p. m.

**Position:** Support for SB 2157 SD 1, Clarifying the prescribing of opiates for pain treatment; Extending the time limit in which scheduled II controlled substances prescriptions must be filled.

I am Gary Simon, Chair of the Legislative Committee of the Policy Advisory Board for Elder Affairs (PABEA), which is an appointed board tasked with advising the Executive Office on Aging (EOA).

I am testifying as an individual who has worked in healthcare for over twenty years, and I am offering testimony on behalf of PABEA.

My testimony does not represent the views of the EOA but of PABEA.

On behalf of PABEA, I ask that the House Judiciary Committee restore this bill to the language in SD1 in order to preserve the intent of this Bill, which is to improve quality of life for people in Hawaii specifically by removing barriers to good pain management.

On behalf of PABEA, I am pleased to state our strong support of SB 2157 SD 1, which:

- ❖ Clarifies language by defining physical tolerance and dependence as natural consequences of sustained opiate use (versus addiction or psychological dependency) in the Pain Patient's Bill of Rights; and
- ❖ Extends the length of prescription validity for Schedule II drugs from three to seven days.

The citizens of our State are fortunate to anticipate the longest life expectancy in our nation, and we have the fastest growing elderly population in our nation. However, our rapidly aging communities force us to confront and address the challenge of providing the best end-of-life care to our elders.

To face this immediate challenge, our State needs to serve as the catalyst to develop policies which promote the best practices in palliative and hospice care. Successful passage of SB 2157 SD 1 will:

- Promote an enhanced quality of life for the seriously ill and their care givers and loved ones.
- Help families to honor the wishes of those seriously ill who desire to remain in their homes as long as is reasonably possible.

The changes proposed by SB 2157 SD 1 are good policies and will enhance the welfare of our citizens, especially those experiencing acute, severe, or day to day pain. We wish to see the enactment of these changes for the benefit of our elders and their families and all others who are seeking effective pain control and management.

We urge you to support SB 2157 SD 1 and to recommend its passage, and we thank you for seriously considering the Bill.

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Kenneth Zeri, RN, MS  
President & CPO, Hospice Hawai'i

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1 HD1**  
**Controlled Substances; Pain Patient's Bill of Rights**

I wish to testify in support of SB2157 with the request that the committee consider amending the bill, restoring it back to the original SD1 version, and removing all provisions related to the establishment of a Hawaii Health Corps and the Enterprise Zone Business Tax Credits.

The intent of the bill, in its original form, is to remove barriers to pain management. Specifically, it increases the length of time that a prescription for schedule II controlled substances (those commonly used for the management of severe pain). Today's law only allows the patient or family 3 days to fill that prescription before another must be written by the physician should a delay occur. The proposal expands the time to 7 days. As a comparison, this is still very conservative when contrasted with national standards, which range from 14 days to 1 year. After a discussion with the Narcotics Enforcement Division, we all agreed that 7 days would suffice.

Further, the bill clarifies the definitions of addiction, stating that it is a psychological dependence rather than a progressive physical tolerance. This is a very important distinction.

The inclusion of parts II, III, IV and V do not support the initial intent of this legislation. Further, I believe that because of the financial impact to the state, those parts detract from the desire to improve pain management policies and would be more appropriately served in a separate bill.

Thank you for your consideration of this amendment. I may be reached directly at 924-9255 should further clarification be needed.

Sincerely,

Kenneth L. Zeri, RN, MS



**Date & Time of Hearing:** 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

Submitted by: Mark Robinson, M.D., Anesthesia  
Sarah Robinson, LVN oncology, pharmacy technician, hospice volunteer  
808-638-9112

We are writing in support of SB2157 SD1, which will improve care for people living with pain and their caregivers. As a pain management consultant and a hospice volunteer we have seen the adverse effects of inadequate pain control. We have also seen how crazy life can be when managing care for someone who is in a lot of pain; whether the pain is from an intractable disease or from an accident, families often need longer than 3 days in which to manage filling a prescription.

Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

We strongly support passage of this bill because we have personally experienced the chaos of caring for a family member in acute pain due to a terminal illness. It's hard to describe the sense of despair you feel when you pull into a pharmacy parking lot and see a closed sign. This despair is followed by rushing to another location in order to beat the clock before the prescription expires. It is also heart-breaking to hand back an unfilled prescription to an over-wrought caregiver and try to explain to them you cannot fill the prescription because it was written 73 hours ago.

This legislation will remove barriers to the provision of quality pain management for those who need it and ease some tension for their caregivers. It also helps to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact either of us for more information.

Sarah and Mark Robinson



Hawaii District Office: 2270 Hoonanea Place, Honolulu, Hawaii 96819

Representative Marcus Oshiro, Chair  
House Committee on Finance

Monday, March 31, 2008; 4:30 PM  
Conference Room 308

**RE: SB 2157 SD1 HD1 - RELATING TO HEALTH**

Chair Oshiro, Vice-Chair Lee, and members of the Committee:

My name is Todd Inafuku, Manager of the Longs Drug Stores Hawaii Professional Service Center, testifying in support of **Part 1 of SB 2157 SD1 HD1** which clarifies the prescribing of opiates for pain treatment and extends the time limit in which Schedule II controlled substances prescriptions must be filled.

Longs supports this and other measures that ensure a patient's access to prescription medication. Currently, all Schedule II controlled substance prescriptions must be filled by a pharmacy within three (3) days from the date that the prescription is written. SB 2157 SD1 HD1 proposes to extend the limitation to seven (7) days. This extended period will assist patients who may not have a means to visit a pharmacy within three (3) days of their prescription date. This extended grace period is consistent with several other states and Longs does not anticipate that this extension will create a drug diversion risk.

Thank you for the opportunity to support Part 1 of SB 2157 SD1 HD1.

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Daniel Murai, M.D.  
Director, Pediatrics Residency Program  
Hawaii Residency Program/ JABSOM  
Kapiolani Medical Center for Women and Children  
808 983-8387

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Daniel Murai, and I am writing in support of SB2157, which will improve care for people living with pain in Hawai'i. Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

I am currently involved with teaching Pediatric residents at Kapiolani Hospital. I am also a Neonatologist. I have seen many infants grow with developmental and physical disabilities in my practice. I have also seen them with the discomfort and pain that accompanies their diseases and complications of chronic care in the hospital and while at home. We have learned to determine the degree of distress of non speaking children using standardized tools. It is now important to provide the treatments to relieve their distress.

This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact me for more information.

Sincerely yours,

Daniel T. Murai, M.D.  
Program Director, Pediatrics Residency  
JABSOM/HRP University of Hawaii

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Brenda S. Ho, RN MS  
Executive Director  
Hospice of Hilo  
(808) 969-1733

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Brenda Ho, and I am writing in support of SB2157 SD1, which will improve care for people living with pain in Hawai'i. Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

On behalf of the citizens of Hawaii, and our Hawai'i Island hospice program which provides care daily to those faced by the challenges of terminal illness from Laupahoehoe to South Point, I am writing to ask for your support of this critical piece of legislation.

Serving as the Executive Director of Hospice of Hilo since 1990 and as Governor Lingle's representative to the last White House Conference on Aging, I have seen firsthand the importance of providing access to quality health care in our state and nation. As Hawaii's population continues to grow, our ability to respond to the needs of the aging and the terminally ill is crucial.

SB2157 offers vital support for the collaborative work already achieved throughout Hawai'i by further developing our palliative - pain management - care capacity. This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact me for more information.

Aloha,



Brenda S. Ho, RN MS  
Executive Director  
Hospice of Hilo

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Alyson Williams-Cheung, RN, MN  
204 Ku'upua Street  
Kailua, HI 96734  
(808) 554-8193

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**

**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Alyson Williams-Cheung and I am writing in support of SB2157 SD1 which will improve care for people living with pain in Hawai'i. Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

I have worked extensively with patients in pain over that last 35 years as a Registered Nurse and have been committed to improving End of Life care since 1990 through work with the American Association of Critical Nurses, Hawaii Nurses Association, as a professor at Hawaii Pacific University School of Nursing and currently as a member of Kōkua Mau. Good pain management has improved dramatically since the 1990's when we were struggling to educate health care providers basic principles. Today, we are struggling to education the general public and our public institutions to provide a seamless system for assuring that those in pain can be kept comfortable whether in a health care setting or at home. SB2157 provides one more avenue to assure the people of Hawaii their pain can be managed while improving their quality of life.

Recently I spent 1 month on the mainland at the bedside of my brother in law who died from esophageal cancer. In 3 weeks, I left his home only twice to go to the grocery store and to the pharmacy to get his pain medications. The demands of his care were 24/7 and leaving his bedside was not always an option. Had he lived in Hawaii, it would have required a trip every 3 days to obtain his Schedule II drugs. Though seemingly a minor inconvenience, such a bureaucratic detail, would have lended nothing to his safety nor to his comfort and pain management. Our patients in chronic pain or those at end

of life who live in Hawaii deserve the same conveniences and attentiveness the law provided to my brother in law in Washington state.

I strongly support SB2157 and believe this legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in our state of Hawaii. I value your support of palliative and hospice care issues and urge your serious consideration of this bill. Please do not hesitate to contact me for more details or information.  
Thank you.

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Joan E. Foley BSN  
Spark Matsunaga Veterans Clinic  
(808) 433-7676

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Joan Foley, and I am writing in support of SB2157 SD1, which will improve care for people living with pain in Hawai'i. As a nurse with an oncology background and now involved in hospice and palliative care, I recognize pain management as a major quality of life issue. Please restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management.

I strongly support passage of this bill because every person deserves all the pain management science has to offer. We must act to ensure availability, not restriction.

This legislation will remove barriers to the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this bill.

Please do not hesitate to contact me for more information.

Sincerely,  
Joan E. Foley BSN

## **FINTestimony**

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**From:** JBS1236@aol.com  
**Sent:** Sunday, March 30, 2008 12:20 PM  
**To:** FINTestimony  
**Subject:** Testimony SB2157,SD1, Agenda # 3

To: House Finance Committee  
Chair Marcus R. Oshiro  
Vice-Chair Marilyn B. Lee

From: Marilyn R. Seely  
46 402 Haiku Plantations Drive  
Kaneohe, Hawaii 96744

Date & Time of Hearing: 4:30 PM, Monday, March 31, 2008  
State Capitol, Room 308

**Testimony in support of SB2157 SD1**  
**Controlled Substances Act; Pain Patient's Bill of Rights**

My name is Marilyn Seely, and I serve as a board member for a hospice and palliative care organization Kokua Mau. Thank you for the opportunity to testify on this matter.

As a long time advocate for end of life, health and aging issues, I ask that the House Judiciary restore this bill to the language in SD1. This will preserve the intent of this bill, which is to improve quality of life for people in Hawai'i specifically by removing barriers to good pain management. I support SB2157 SD1 because it will allow for the provision of quality pain management for those who need it and help to ensure best practice standards in the state. We value your support of palliative and hospice care issues and your serious consideration of this matter.

Please feel free to contact me for more information.

Sincerely,

Marilyn R. Seely  
235-5466

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