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Hawaii Medical Association
1360 S. Beretania St.
Suite 200
Honolulu, HI 96814
(808) 536-7702
(808) 528-2376 fax
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March 14, 2008

To: Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair
House Health Committee

From: Cynthia J. Goto, M.D., President
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Philip Hellreich, M.D., Legislative Co-Chair
Paula Arcena, Executive Director
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PLEASE DELIVER to:

Health Committee

Friday
3/14/08
8:30am
Room 329

Re: SB2137, SD1 Relating to Health (Clarifies the prescribing of opiates for pain treatment. Extends the time limit in which scheduled II controlled substances prescriptions must be filled.)

The Hawaii Medical Association supports SB2137, SD1, in its current form.

The HMA is firmly in favor of making effective and safe pain management accessible to patients who need it. We believe that pain management education for physicians is the answer rather than legislation.

Key our support is the language:

"A patient who suffers from severe acute pain and severe chronic pain has the option to request or request or reject the use of any or all modalities to relieve the pain;"

The HMA opposed HB3242, a bill very similar to SB2137, SD1, because it formerly contained the following language:

*"A patient who suffers severe acute pain or severe chronic pain secondary to a diagnosis is any form of disease and chronic conditions **shall be entitled** to receive a prescription of opiate medication for the treatment of pain, if requested by that patient, provided that the patient is not addicted to the opiate; and provided further that the particular opiate is appropriate to the treatment of that pain."*

We objected to this language due to the words "shall be entitled". Our concern is that medical decisions, including those regarding management of pain, should not be mandated by legislation. This is a basic principle we apply to all public policy.

SB2157 is consistent with the amendment the House Health Committee made and we request the Health Committee retain this language.

Thank you for the opportunity to provide this testimony.

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A JOINT LEGISLATIVE EFFORT

E-Mail to: HLTTestimony@Capitol.hawaii.gov
Regarding: House HLT Committee
Hearing on: March 14, 2008 @ 8:30 a.m. in room 329

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Date: March 12, 2008

LATE TESTIMONY

To: House Committee on Health
The Honorable Josh Green, Chair
The Honorable John Mizuno, Vice Chair

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum
Lobbyist, Roman Catholic Church in the State of Hawaii

Re: Support for SB 2157 SD 1 Relating to Health

Hawaii Family Forum 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, 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.



March 14, 2008

House Committee on Health

The Honorable Josh Green, MD, Chair
The Honorable John Mizuno, Vice Chair

House Committee on Human Services and Housing

The Honorable Maile Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair

8:30 AM, Friday, March 14, 2008
State Capitol, RM 329

RE: In support of SB2157 SD1- Relating to Health

Dear Chair Green, Chair Shimabukuro and Members of the Committee:

Good morning, 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 in support of SB2157, Relating to Health.

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.

In 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. The Hawaii State legislature can help ensure that pain medications are available to patients who need them by passing SB2157. SB2157 will extend the length of time a prescription for Schedule II drugs is available from three to seven days, providing 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.

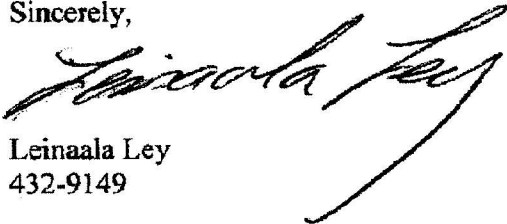
American Cancer Society Hawai'i Pacific, Inc.
2370 Nu'uuanu Avenue, Honolulu, Hawai'i 96817-1714

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

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 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

000028



KŌKUA MAU

"Continuous Care"

Hawai'i Hospice and Palliative Care Organization

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

To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

From: Rachael S. Wong, MPH
Executive Director

Date & Time of Hearing: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

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

Kōkua Mau, our statewide hospice and palliative care organization, strongly supports SB2157, 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.

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

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

Representative Josh Green, M.D., Chair
House Committee on Health

Friday, March 14, 2008; 8:30 AM
Conference Room 329

RE: SB 2157 SD1 - RELATING TO HEALTH

Chair Green, Vice-Chair Mizuno, and members of the Committee:

My name is Todd Inafuku, Manager of the Longs Drug Stores Hawaii Professional Service Center. Longs Drug Stores (Longs) **supports SB 2157 SD1**, 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 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 SB 2157 SD1.

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Kaua'i Hospice

a special kind of caring

March 12, 2008

To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

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

Date & Time of Hearing: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

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

My name is Lori J. Miller, and I am writing in support of SB2157, which will improve care for people living with pain in Hawai'i. 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

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To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

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

Date & Time of Hearing: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

Testimony in support of SB2157

Controlled Substances Act; Pain Patient's Bill of Rights

My name is Alyson Williams-Cheung and I am writing in support of SB2157 which will improve care for people living with pain in Hawai'i. 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 Kokua 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. HB 3242 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

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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 HB 3242 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.

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Date & Time of Hearing: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

Testimony in support of SB2157
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, 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.

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

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To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

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

Date & Time of Hearing: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

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

My name is Brenda Ho, and I am writing in support of SB2157, which will improve care for people living with pain in Hawai'i. 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

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To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

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

Date & Time of Hearing: 8:30 AM, Friday, March 14 2008
State Capitol, Room 329

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

My name is Joan Foley, and I am writing in support of SB2157, 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.

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

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To: House Health Committee
Chair Josh Green, MD
Vice-Chair John Mizuno

House Judiciary Committee
Chair Tommy Waters
Vice-Chair Blake K. Oshiro

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: 8:30 AM, Friday, March 14, 2008
State Capitol, Room 329

Testimony in support of SB2157
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. 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

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Testimony in Support of Senate Bill 2157

To: **House Health Committee**
Representative Josh Green, MD, Chair
Representative John Mizuno, Vice Chair

House Judiciary Committee
Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair

From: Gary Simon
Chair
Legislative Committee
Policy Advisory Board for Elder Affairs
Email: GarySimon@hawaii.rr.com

Date and Time of Hearing: March 14, 2008, 8:30 a. m.

Position: Support for Senate Bill 2157, 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 am pleased to state our strong support of Senate Bill 2157, 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.

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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 Senate Bill 2157 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 Senate Bill 2157 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 Senate Bill 2157 and to recommend its passage, and we thank you for seriously considering the Bill.