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GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 2282
A BILL FOR AN ACT RELATING TO
CONTROLLED SUBSTANCES
Clayton A. Frank, Director
Department of Public Safety

Committee on Health
Senator David Y. Ige, Chair
Senator Carol Fukunaga, Vice Chair

Monday, February 25, 2008, 1:15 pm.
State Capitol, Room 016

Senator Ige and Members of the Committee:

The Department of Public Safety does not support the amendments proposed in Senate Bill 2282, which would expand the definition of "Identification number" in Section 329-1 definitions and "proper identification" as utilized in section 329-41 Prohibited Act B penalties Hawaii Revised Statutes to include all unique patient identifier numbers issued by insurance company or pharmacy benefits manager. Presently the term "Identification number" refers to the patient's unique:

- 1) Valid driver's license number with State abbreviation;
- 2) Valid State identification card number with State abbreviation;
- 3) Military identification number;
- 4) Passport number; or
- 5) If patient does not have any of the above identifications the patient's Social Security number.

The term “proper identification” as utilized in section 329-41 Prohibited Act B:

"proper identification" means government-issued identification containing the photograph, printed name, and signature of the individual obtaining the controlled substance.”

All of the above listed identifications are government issued and the numbers utilized can be verified through their respective issuing state or federal agency, however the amendment being proposed in Senate Bill 2882 to allow the use of all unique patient identifier numbers issued by insurance company or pharmacy benefits manager would be almost impossible to verify making it useless as a valid identification number. Other problems with the use of patient identifier numbers issued by insurance company or pharmacy benefits managers is the fact that there is no central database of these numbers and there will be the problem of duplication of a patients identification number by other insurance companies and pharmacy benefit managers. It would also be necessary for every insurance company and pharmacy benefits manager issuing a patient / customer identification number to furnish a list of those numbers with corresponding patient information to the Department and every dispenser of controlled substances in the State where a customer may present a prescription for a controlled substance so that it may be utilized to verify and document the customer / patient obtaining the controlled substance.

The amendments being proposed in Senate Bill 2882 addition would adversely affect the anti diversion precautions built into sections 329-38 (relating to prescriptions), 329-41 (Prohibited acts B Penalties), 329-42 (Prohibited acts C Penalties), 329-101(Reporting of dispensation of controlled substances; electronic prescription

accountability system), 329-102 (Central repository; electronic prescription accountability system) and 329-123 (Registration requirement; medical use of marijuana program) where the term "Identification number" is utilized in these sections as a means of patient identification and for reporting requirements set forth in Chapter 329, Hawaii Revised Statutes.

The department feels that the amendments being proposed in Senate Bill 2882 would not improve the sections affected and in most cases will increase the possibility of individuals providing fraudulent identification to obtain controlled substances as well as cause delays at the pharmacy due to the inability to verify the identity of the customers that choose to utilize a patient identification card issued by an insurance company or pharmacy benefits manager as his proper identification.

The Department for the reasons stated cannot support passage of House Bill 2882. Thank you for the opportunity to testify on this matter.