
A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

1 SECTION 1. Chapter 461, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MEDICATION THERAPY MANAGEMENT**

5 **§461-A Definitions.** As used in this part, unless the
6 context requires otherwise:

7 "Collaborative pharmacy practice" is that practice of
8 pharmacy whereby one or more pharmacists have jointly agreed, on
9 a voluntary basis, to work in conjunction with one or more
10 practitioners under protocol whereby the pharmacist may perform
11 certain patient care functions authorized by the practitioner or
12 practitioners under certain specified conditions or limitations.

13 "Collaborative pharmacy practice agreement" is a written
14 and signed agreement between one or more pharmacists and one or
15 more practitioners that provides for collaborative pharmacy
16 practice for the purpose of conducting medication therapy
17 management activities, as defined by law and the rules of the
18 board.



1 "Medication therapy" means the treatment of disease or
2 disorder through the use of prescription or non-prescription
3 medications.

4 "Protected health information" means any information
5 related to a person's health status or consumption of health
6 care services that is protected from public disclosure by
7 federal or state law.

8 "Qualified patient" means an individual who has
9 prescription drug coverage through QUEST.

10 **§461-B Capacity for medication therapy management**

11 **required.** (a) Each pharmacy in the State that provides
12 pharmacy services to qualified patients shall maintain the
13 capacity to offer medication therapy management services
14 pursuant to this part.

15 (b) A pharmacy shall meet the requirements of subsection
16 (a) if the pharmacy employs at least one registered pharmacist
17 who is party to a collaborative agreement allowing the
18 pharmacist to provide medication therapy management and that
19 pharmacist is present and available to provide medication
20 management services on at least a half-time basis.

21 (c) A remote dispensing pharmacy operating pursuant to
22 section 461-10.5 shall meet the requirements of subsection (a)



1 if its responsible pharmacy meets the requirements of subsection
2 (a) and a qualified patient has access to medication therapy
3 management services through the video component required by
4 section 461-10.5(h) (5).

5 **§461-C Notice of availability.** Each qualified patient
6 shall be made aware of the availability of medication therapy
7 management services:

- 8 (1) Verbally, each time the qualified patient receives a
9 prescription that is covered by QUEST from a pharmacy;
- 10 (2) In writing via a notice that complies with
11 requirements specified by the board pursuant to
12 section 461-G; and
- 13 (3) By posting of notice that complies with requirements
14 specified by the board pursuant to section 461-G.

15 **§461-D Scope of service.** (a) Medication therapy
16 management is a distinct service or group of services with the
17 goal of optimizing therapeutic outcomes for individual qualified
18 patients and is independent of, but can occur in conjunction
19 with, the provision of a medication or a medical device.
20 Medication therapy management encompasses a broad range of
21 professional activities and responsibilities within the
22 registered pharmacist's scope of practice. These services may



1 include, but are not limited to, the following, according to the
2 individual needs of the qualified patient:

- 3 (1) Performing or obtaining necessary assessments of the
4 qualified patient's health status;
- 5 (2) Formulating a medication treatment plan;
- 6 (3) Selecting, initiating, modifying, or administering
7 medication therapy;
- 8 (4) Monitoring and evaluating the qualified patient's
9 response to medication therapy, including assessment
10 of safety and effectiveness of individual medications;
- 11 (5) Performing a comprehensive medication review to
12 identify, resolve, and prevent medication-related
13 problems including adverse events;
- 14 (6) Documenting the care delivered and communicating
15 essential information to the qualified patient's other
16 care providers as authorized by the qualified patient;
- 17 (7) Providing verbal education and training designed to
18 enhance the qualified patient's understanding and
19 appropriate use of medications;
- 20 (8) Providing information, support services, and resources
21 designed to enhance the qualified patient's adherence
22 to therapeutic regimens; and



1 (9) Coordinating and integrating medication therapy
2 management services within the broader health care
3 management services being provided to the qualified
4 patient.

5 (b) Medication therapy management shall include a review
6 of the qualified patient's medical records and each prescription
7 drug that the qualified patient regularly or currently takes to
8 identify:

- 9 (1) Known allergies;
- 10 (2) Rational therapy contraindications;
- 11 (3) Reasonable dose, duration of use, and route of
12 administration of medications, considering the
13 qualified patient's age, gender, and other patient
14 factors;
- 15 (4) Reasonable directions for use of each medication that
16 the qualified patient takes;
- 17 (5) Potential or actual adverse drug reactions;
- 18 (6) Drug-drug interactions;
- 19 (7) Drug-food interactions;
- 20 (8) Drug-disease contraindications;



1 (9) Duplications or redundancy among drugs or therapies
2 that are part of the qualified patient's medication
3 therapy;

4 (10) Proper utilization of medication therapy, avoidance of
5 over- or under-utilization of medication therapy, and
6 optimum therapeutic outcomes; and

7 (11) Abuse or misuse of medication therapy.

8 Upon recognizing any of the above, a pharmacist shall take
9 appropriate steps to avoid or resolve the problem which may
10 include consultation with the qualified patient's health care
11 providers.

12 (c) At the time that a qualified patient who receives
13 medication therapy management services begins taking a new
14 prescription medication for the first time, the pharmacist
15 providing medication therapy management shall review the
16 qualified patient's record and provide patient counseling
17 regarding the therapeutic use of the new medication and the
18 interaction of the new drug with the qualified patient's
19 existing medication therapy. Counseling pursuant to this
20 subsection shall include:

21 (1) The brand name, generic name, if applicable, and an
22 accurate description of the medication;



- 1 (2) The prescribed dosage form, dose, route of
2 administration, and duration of the medication
3 therapy;
- 4 (3) The intended use of the medication and its expected
5 action;
- 6 (4) Special directions and precautions for preparation,
7 administration, and use of the medication by the
8 qualified patient;
- 9 (5) Common severe side effects, adverse effects,
10 interactions, and therapeutic contraindications that
11 may be encountered, means of avoiding any adverse
12 effects, and the action required if they occur;
- 13 (6) Techniques for self-monitoring medication therapy;
- 14 (7) Proper storage and appropriate disposal of unwanted or
15 unused medication;
- 16 (8) Prescription refill information;
- 17 (9) Action to be taken in the event of a missed dose; and
- 18 (10) Pharmacist comments relevant to the medication
19 therapy, including any other information peculiar to
20 the specific qualified patient or medication.
- 21 (d) Alternative forms of patient information such as
22 written information leaflets, pictogram labels, or informational



1 videos, shall be used to supplement medication therapy
2 management when appropriate. A pharmacist who uses alternative
3 information media pursuant to this subsection shall use the
4 pharmacist's professional knowledge and clinical judgment in
5 choosing which alternative forms of information to use.

6 (e) A pharmacist shall not provide medication therapy
7 management pursuant to this part for inpatients of a hospital or
8 institution where other licensed health care professionals are
9 authorized to administer medication therapy, except at the
10 request of the hospital or institution and with the consent of
11 the qualified patient.

12 (f) A pharmacist shall not provide medication therapy
13 management to a qualified patient if the patient refuses the
14 service.

15 **§461-E Patient records.** (a) A patient record system that
16 meets the criteria established by section 328-17.7 shall be
17 maintained by all pharmacies for qualified patients who receive
18 medication therapy management services. The patient record
19 system shall provide for the immediate retrieval of information
20 necessary for a pharmacist to provide medication therapy
21 management and shall be created and stored in a manner that



1 protects against unlawful use or disclosure of protected health
2 information.

3 (b) A patient record maintained pursuant to this section
4 shall include:

5 (1) The qualified patient's full name;

6 (2) The qualified patient's street address and telephone
7 number;

8 (3) The qualified patient's age or date of birth;

9 (4) The qualified patient's sex;

10 (5) A list of all prescription drugs obtained by the
11 qualified patient at a pharmacy within this State in
12 the past two years;

13 (6) The qualified patient's known allergies and prior
14 adverse drug reactions; provided that any adverse drug
15 reactions that occur within the course of medication
16 therapy management shall be immediately documented in
17 the patient record;

18 (7) All chronic diseases, disorders, or conditions of the
19 patient;

20 (8) The names of any nonprescription drugs, supplements,
21 or other similar substances currently or regularly
22 taken by the qualified patient;



1 (9) Pharmacist comments relevant to the individual's
2 medication therapy management; and

3 (10) A copy of the collaborative pharmacy practice
4 agreement required under section 461-F.

5 (c) Documentation of activities undertaken by a pharmacist
6 in the course of medication therapy management shall be kept as
7 part of the patient record and shall be readily available to
8 other health care professionals providing care to the qualified
9 patient upon specific authorization by the qualified patient to
10 disclose the information. Documentation recorded or kept
11 pursuant to this section shall be considered protected health
12 information.

13 (d) Protected health information contained in a patient
14 record may be used or disclosed only as allowed under this
15 section, section 461-F, and relevant federal and state law.

16 **§461-F Collaborative pharmacy practice agreement.** (a) A
17 pharmacist who provides medication therapy management shall have
18 on file at the pharmacist's place of practice a written
19 collaborative pharmacy practice agreement for each qualified
20 patient for whom the pharmacist provides medication therapy
21 management. Parties to the agreement shall be the pharmacist
22 who provides medication therapy management and the qualified



1 patient's primary care physician. If a qualified patient does
2 not have a designated primary care physician, any physician or
3 advanced practice nurse practitioner with prescription authority
4 who has ordered a prescription for the qualified patient may be
5 party to the agreement.

6 (b) A collaborative pharmacy practice agreement shall
7 allow a pharmacist, acting within the scope of the pharmacist's
8 license to practice pharmacy, to conduct medication therapy
9 management activities specified in the collaborative pharmacy
10 practice agreement.

11 (c) A collaborative pharmacy practice agreement shall
12 include:

13 (1) Identification of the pharmacist and practitioners who
14 are parties to the agreement;

15 (2) The types of medication therapy management actions
16 that the pharmacist may undertake, which may include:

17 (A) A description of the medical conditions
18 experienced by the qualified patient, medications
19 or categories of medications prescribed to the
20 qualified patient, and the activities that the
21 pharmacist may take regarding each condition or
22 medication;



- 1 (B) A description of the methods, procedures,
2 decision criteria, and plan the pharmacist shall
3 follow when conducting allowed activities; and
- 4 (C) A description of the activities the pharmacist
5 shall follow, including documentation of
6 decisions made, a plan for communication and
7 reporting to the practitioner, and specifications
8 for record keeping;
- 9 (3) A method for the practitioner to monitor clinical
10 outcomes and compliance with the agreement and
11 specifications as to when it shall be necessary for
12 the provider to intercede;
- 13 (4) A description of the method that a provider shall use
14 to evaluate effectiveness of patient care and ensure
15 positive patient outcomes;
- 16 (5) A provision that allows the practitioner to override a
17 medication therapy decision made by the pharmacist if
18 the physician deems it necessary or appropriate;
- 19 (6) A provision that requires the pharmacist to report any
20 adverse drug reaction to the provider in writing,
21 immediately upon the pharmacist learning of an adverse
22 reaction;



- 1 (7) A provision that allows either party to cancel the
- 2 agreement by written notification;
- 3 (8) An effective date;
- 4 (9) Signatures of all collaborating pharmacists and
- 5 practitioners who are party to the agreement; and
- 6 (10) Signed authorization by the qualified patient allowing
- 7 the pharmacists and physicians who are party to the
- 8 agreement to use and to disclose the qualified
- 9 patient's protected health information to each other
- 10 to the extent necessary to effectively participate in
- 11 medication therapy management and to disclose the
- 12 qualified patient's protected health information to
- 13 any other practitioners as authorized by the qualified
- 14 patient.

15 (d) Amendments to a collaborative pharmacy practice
16 agreement shall be documented, signed by the pharmacist and
17 physician, and dated.

18 (e) A collaborative pharmacy practice agreement pursuant
19 to this section shall be reviewed, renewed, and revised as
20 necessary at least once every year.

21 (f) A collaborative pharmacy practice agreement may be a
22 standardized document or a checklist-type form developed by the



1 physician, the pharmacist, or the board; provided that the
2 collective pharmacy practice agreement meets all of the
3 requirements of this section.

4 **§461-G Rules.** The board shall adopt rules pursuant to
5 chapter 91 to effectuate the purposes of this part."

6 SECTION 2. Section 328-17.7, Hawaii Revised Statutes, is
7 amended by amending subsections (b) and (c) to read as follows:

8 "(b) Prescription records [~~may~~] shall be electronically
9 maintained using an appropriate prescription information
10 processing system; provided that:

11 (1) There [~~are~~] shall be procedures to maintain the
12 records, including but not limited to auxiliary
13 procedures for backing up files, computer downtime,
14 and the protection of patient confidentiality; and

15 (2) Upon request the prescription records, or a subset
16 thereof, shall be provided to the director or the
17 director's agent, in a form specified by the director,
18 within forty-eight hours.

19 (c) Prescription records shall be maintained
20 electronically [~~or manually~~] such that the information contained
21 in the records is readily retrievable during the pharmacy's
22 normal operating hours."



1 SECTION 3. Chapter 461, Hawaii Revised Statutes, is
2 amended by designating sections 461-1 to 461-22 as part I,
3 entitled "General Provisions".

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2055.



Report Title:

Medication Therapy Management; QUEST

Description:

Authorizes pharmacists to provide medication therapy management to qualified QUEST patients. Requires pharmacies to have written collaborative pharmacy practice agreements on file for each qualified patient and have an electronically maintained patient records system for each qualified patient.

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