
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

1 management activities, as defined by law and the rules of the
2 board.

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

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

10 "Qualified patient" means an individual who has
11 prescription drug coverage through QUEST.

12 **§461-B Capacity for medication therapy management**

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

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

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

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

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

17 **§461-D Scope of service.** (a) Medication therapy
18 management is a distinct service or group of services with the
19 goal of optimizing therapeutic outcomes for individual patients
20 and is independent of, but can occur in conjunction with, the
21 provision of a medication or a medical device. Medication
22 therapy management encompasses a broad range of professional

1 activities and responsibilities within the registered
2 pharmacist's scope of practice. These services may include, but
3 are not limited to, the following, according to the individual
4 needs of the qualified patient:

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

1 (8) Providing information, support services, and resources
2 designed to enhance the qualified patient's adherence
3 to therapeutic regimens; and

4 (9) Coordinating and integrating medication therapy
5 management services within the broader health care
6 management services being provided to the qualified
7 patient.

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

12 (1) Known allergies;

13 (2) Rational therapy contraindications;

14 (3) Reasonable dose, duration of use, and route of
15 administration of medications, considering the
16 qualified patient's age, gender, and other patient
17 factors;

18 (4) Reasonable directions for use of each medication that
19 the qualified patient takes;

20 (5) Potential or actual adverse drug reactions;

21 (6) Drug-drug interactions;

22 (7) Drug-food interactions;

- 1 (8) Drug-disease contraindications;
- 2 (9) Duplications or redundancy among drugs or therapies
3 that are part of the qualified patient's medication
4 therapy;
- 5 (10) Proper utilization of medication therapy, avoidance of
6 over- or under-utilization of medication therapy, and
7 optimum therapeutic outcomes; and
- 8 (11) Abuse or misuse of medication therapy.

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

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

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

1 (d) Alternative forms of patient information such as
2 written information leaflets, pictogram labels, or informational
3 videos, shall be used to supplement medication therapy
4 management when appropriate. A pharmacist who uses alternative
5 information media pursuant to this subsection shall use the
6 pharmacist's professional knowledge and clinical judgment in
7 choosing which alternative forms of information to use.

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

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

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

1 management and shall be created and stored in a manner that
2 protects against unlawful use or disclosure of protected health
3 information.

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

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

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

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

10 (4) The qualified patient's sex;

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

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

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

1 (8) The names of any nonprescription drugs, supplements,
2 or other similar substances currently or regularly
3 taken by the qualified patient;

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

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

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

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

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

1 patient for whom the pharmacist provides medication therapy
2 management. Parties to the agreement shall be the pharmacist
3 who provides medication therapy management and the qualified
4 patient's primary care physician. If a qualified patient does
5 not have a designated primary care physician, any physician or
6 advanced practice nurse practitioner with prescription authority
7 who has ordered a prescription for the qualified patient may be
8 party to the agreement.

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

14 (c) A collaborative pharmacy practice agreement shall
15 include:

16 (1) Identification of the pharmacist and practitioners who
17 are parties to the agreement;

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

20 (A) A description of the medical conditions
21 experienced by the qualified patient, medications
22 or categories of medications prescribed to the

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

- 1 (6) A provision that requires the pharmacist to report any
2 adverse drug reaction to the provider in writing,
3 immediately upon the pharmacist learning of an adverse
4 reaction;
- 5 (7) A provision that allows either party to cancel the
6 agreement by written notification;
- 7 (8) An effective date;
- 8 (9) Signatures of all collaborating pharmacists and
9 practitioners who are party to the agreement; and
- 10 (10) Signed authorization by the qualified patient allowing
11 the pharmacists and physicians who are party to the
12 agreement to use and to disclose the qualified
13 patient's protected health information to each other
14 to the extent necessary to effectively participate in
15 medication therapy management and to disclose the
16 qualified patient's protected health information to
17 any other practitioners as authorized by the qualified
18 patient.
- 19 (d) Amendments to a collaborative pharmacy practice
20 agreement shall be documented, signed by the pharmacist and
21 physician, and dated.

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

4 (f) A collaborative pharmacy practice agreement may be a
5 standardized document or a checklist-type form developed by the
6 physician, the pharmacist, or the board; provided that the
7 collective pharmacy practice agreement meets all of the
8 requirements of this section.

9 **§461-G Rules.** The board shall adopt rules pursuant to
10 chapter 91 to effectuate the purposes of this part."

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

14 **"§461- Electronic prescriptions; capacity required.**
15 Every pharmacy and remote dispensing pharmacy operating under a
16 permit or prior notification issued pursuant to this chapter
17 shall have the capacity to maintain prescription records
18 electronically and to accept and transmit prescription
19 information electronically in accordance with the requirements
20 of sections 328-17.7 and 328-17.8."

21 SECTION 3. Section 328-17.7, Hawaii Revised Statutes, is
22 amended by amending subsections (b) and (c) to read as follows:

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

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

8 (2) Upon request the prescription records, or a subset
9 thereof, shall be provided to the director or the
10 director's agent, in a form specified by the director,
11 within forty-eight hours.

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

16 SECTION 4. Chapter 461, Hawaii Revised Statutes, is
17 amended by designating sections 461-1 to 461-22 as part I,
18 entitled "General Provisions".

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

21 SECTION 6. This Act shall take effect on July 1, 2010.

22

Report Title:

Medication Therapy Management; QUEST

Description:

Authorizes pharmacists to provide medication therapy management to qualified QUEST patients. Requires pharmacies to maintain prescription records and medication therapy management records electronically. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.