

JAN 25 2010

A BILL FOR AN ACT

RELATING TO PHARMACIES.

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 section to be appropriately designated
3 and to read as follows:

4 "§461- Electronic prescriptions; capacity required. (a)
5 Every pharmacy and remote dispensing pharmacy operating under a
6 permit or prior notification issued pursuant to this chapter
7 shall have the capacity to maintain prescription records
8 electronically and to accept and transmit prescription
9 information electronically in accordance with the requirements
10 of sections 328-17.7 and 328-17.8."

11 SECTION 2. Section 328-17.7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§328-17.7 Record of prescriptions. (a) Every
14 practitioner, pharmacist, or medical oxygen distributor who
15 compounds, sells, or delivers any prescribed drug to a patient
16 or a patient's agent shall maintain records that identify:

17 (1) The specific drug product dispensed, including:



- 1 (A) The product's national drug code (NDC) number; or
- 2 (B) The brand name or the established name and the
- 3 name or commonly accepted abbreviation of the
- 4 principal labeler of the drug product dispensed,
- 5 the product strength, and the dosage form;
- 6 (2) The quantity of the drug;
- 7 (3) Directions for use;
- 8 (4) The number of allowable refills;
- 9 (5) The date of initial dispensing and the dates of all
- 10 refilling;
- 11 (6) The date of any transfer of the prescription;
- 12 (7) The name, business address, and telephone number of
- 13 the recipient pharmacist or medical oxygen distributor
- 14 for any transfer of prescription;
- 15 (8) The prescribing practitioner, including name, business
- 16 address, and telephone number;
- 17 (9) The format (oral, written, or electronic) in which the
- 18 prescription was received;
- 19 (10) The patient, including name, address, and telephone
- 20 number;
- 21 (11) The date of prescribing; and



1 (12) The name of the practitioner, pharmacist, or medical
2 oxygen distributor dispensing the drug.

3 Every prescription dispensed shall have the name of the
4 pharmacist, dispensing practitioner, or medical oxygen
5 distributor responsible for the dispensing appended to the
6 prescription record, and every prescription record shall be
7 preserved and legible for a period of not less than five years.

8 The prescription records shall be subject at all times to the
9 inspection of the director of health or the director's agent.

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

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

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

21 (c) Prescription records shall be maintained
22 electronically [~~or manually~~] such that the information contained



1 in the records is readily retrievable during the pharmacy's
2 normal operating hours."

3 SECTION 3. Each pharmacy and remote dispensing pharmacy
4 subject to chapter 461, Hawaii Revised Statutes, shall be in
5 compliance with this Act by no later than January 1, 2011.
6 Failure to comply with this Act shall constitute a violation of
7 chapter 461, Hawaii Revised Statutes, and subject to any
8 disciplinary action imposed by the board of pharmacy pursuant to
9 section 461-21, Hawaii Revised Statutes.

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

12 SECTION 5. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

J. Alan Gosh

Ronald H. Bahr

David Y. Lee

Nancy Satomura

Yudhanjy

Will Lew

Clarence K. Kishida

Carol Fukushima

Michele A. Kudani



Report Title:

Electronic Prescriptions; Prescription Records

Description:

Requires all pharmacies and remote dispensing pharmacies to have the capacity to accommodate electronic prescriptions. Requires all pharmacies and dispensing pharmacies to maintain prescription records electronically.

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