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# A BILL FOR AN ACT

RELATING TO PHARMACIES.

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

1 PART I

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

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

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

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

17 (1) There [~~are~~] shall be procedures to maintain the  
18 records, including [~~but not limited to~~] auxiliary



1           procedures for backing up files, computer downtime,  
 2           and the protection of patient confidentiality; and  
 3       (2) Upon request the prescription records, or a subset  
 4           thereof, shall be provided to the director or the  
 5           director's agent, in a form specified by the director,  
 6           within forty-eight hours.

7       (c) Prescription records shall be maintained  
 8       electronically [~~or manually~~] such that the information contained  
 9       in the records is readily retrievable during the pharmacy's  
 10       normal operating hours [↔] and can be transmitted electronically  
 11       or by facsimile."

12       SECTION 3. Section 328-17.8, Hawaii Revised Statutes, is  
 13       amended by amending subsection (a) to read as follows:

14       "(a) Prescription information may be transmitted  
 15       electronically or by facsimile; provided that:

16       (1) The information shall be communicated only between the  
 17           prescribing practitioner or the prescriber's  
 18           authorized agent and pharmacies or medical oxygen  
 19           distributors of the patient's choice;

20       (2) The information shall be communicated in a  
 21           retrievable, recognizable format acceptable to the  
 22           intended recipient;



1 (3) No electronic system, software, or other intervening  
2 mechanism or party shall alter the practitioner's  
3 prescription, order entry, selection, or intended  
4 selection without the practitioner's approval, on a  
5 per prescription or per order basis. Transmitted  
6 prescription information shall not be altered by any  
7 system, software, or other intervening mechanism or  
8 party prior to receipt by the intended pharmacy or  
9 medical oxygen distributor recipient;

10 (4) The prescription information processing system shall  
11 provide for adequate confidentiality safeguards  
12 provided by any applicable federal or state law; and

13 (5) Practitioners, pharmacists, and medical oxygen  
14 distributors shall exercise prudent and professional  
15 judgment regarding the accuracy, validity, and  
16 authenticity of any prescription information  
17 communicated, received, or transferred."

18 SECTION 4. Each pharmacy and remote dispensing pharmacy  
19 subject to chapter 461, Hawaii Revised Statutes, shall be in  
20 compliance with this part by no later than January 1, 2012.  
21 Failure to comply with this part shall constitute a violation of  
22 chapter 461, Hawaii Revised Statutes, subject to disciplinary



1 action imposed by the board of pharmacy pursuant to section 461-  
2 21, Hawaii Revised Statutes.

3 PART II

4 SECTION 5. Section 461-1, Hawaii Revised Statutes, is  
5 amended by amending the definition of "practice of pharmacy" to  
6 read as follows:

7 "Practice of pharmacy" means:

- 8 (1) The interpretation and evaluation of prescription  
9 orders; the compounding, dispensing, and labeling of  
10 drugs and devices (except labeling by a manufacturer,  
11 packer, or distributor of nonprescription drugs and  
12 commercially legend drugs and devices); the  
13 participation in drug selection and drug utilization  
14 reviews; the proper and safe storage of drugs and  
15 devices and the maintenance of proper records  
16 [~~therefore;~~] therefor; the responsibility for advising  
17 when necessary or where regulated, of therapeutic  
18 values, content, hazards, and use of drugs and  
19 devices;
- 20 (2) Performing the following procedures or functions as  
21 part of the care provided by and in concurrence with a  
22 "health care facility" and "health care service" as



1 defined in section 323D-2, or a "pharmacy" or a  
2 licensed physician, or a "managed care plan" as  
3 defined in section 432E-1, in accordance with  
4 policies, procedures, or protocols developed  
5 collaboratively by health professionals, including  
6 physicians and surgeons, pharmacists, and registered  
7 nurses, and for which a pharmacist has received  
8 appropriate training required by these policies,  
9 procedures, or protocols:

- 10 (A) Ordering or performing routine drug therapy  
11 related patient assessment procedures;
- 12 (B) Ordering drug therapy related laboratory tests;
- 13 (C) Initiating emergency contraception oral drug  
14 therapy in accordance with a written  
15 collaborative agreement approved by the board,  
16 between a licensed physician and a pharmacist who  
17 has received appropriate training that includes  
18 programs approved by the American Council of  
19 Pharmaceutical Education (ACPE), curriculum-based  
20 programs from an ACPE-accredited college of  
21 pharmacy, state or local health department



- 1 programs, or programs recognized by the board of  
2 pharmacy;
- 3 (D) Administering drugs orally, topically, by  
4 intranasal delivery, or by injection, pursuant to  
5 the patient's licensed physician's order, by a  
6 pharmacist having appropriate training that  
7 includes programs approved by the ACPE,  
8 curriculum-based programs from an ACPE-accredited  
9 college of pharmacy, state or local health  
10 department programs, or programs recognized by  
11 the board of pharmacy;
- 12 (E) Administering immunizations orally, by injection,  
13 or by intranasal delivery, to persons [~~eighteen~~]:
- 14 (i) At least nine years of age but less than  
15 eighteen years of age with parental consent  
16 and contingent upon the governor's  
17 determination of a public health necessity;  
18 or
- 19 (ii) Eighteen years of age or older[-];  
20 by a pharmacist having appropriate training that  
21 includes programs approved by the ACPE,  
22 curriculum-based programs from an ACPE-accredited



- 1 college of pharmacy, state or local health  
2 department programs, or programs recognized by  
3 the board of pharmacy;
- 4 (F) As authorized by a licensed physician's written  
5 instructions, initiating or adjusting the drug  
6 regimen of a patient pursuant to an order or  
7 authorization made by the patient's licensed  
8 physician and related to the condition for which  
9 the patient has been seen by the licensed  
10 physician; provided that the pharmacist shall  
11 issue written notification to the patient's  
12 licensed physician or enter the appropriate  
13 information in an electronic patient record  
14 system shared by the licensed physician, within  
15 twenty-four hours;
- 16 (G) Transmitting a valid prescription to another  
17 pharmacist for the purpose of filling or  
18 dispensing; or
- 19 (H) Providing consultation, information, or education  
20 to patients and health care professionals based  
21 on the pharmacist's training and for which no  
22 other licensure is required;







**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, remote dispensing pharmacies, practitioners, and medical oxygen distributors to maintain prescription records electronically. Allows pharmacists to give immunizations to children over nine years of age and under 18 years of age under certain circumstances. Effective July 1, 2050. (SB2811 HD2)

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

