

**SB2811**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Senate Committee on Health**

**SB 2811, RELATING TO PHARMACIES**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**February 5, 2010  
2:55pm**

1 **Department's Position:** We respectfully oppose the bill's amendment of HRS Chapter 328.

2 **Fiscal Implications:** The administrative costs of enforcement are as yet un-quantified but will be real.

3 **Purpose and Justification:** In part, this bill amends HRS Chapter 328 to require that prescription  
4 records shall be maintained electronically.

5 We defer to the Department of Commerce and Consumer Affairs' Board of Pharmacy regarding  
6 proposed change to HRS Chapter 461, which in part requires pharmacies to have the capacity to receive  
7 electronic prescriptions.

8 Although we generally support the greater use of electronic records in health care, and while  
9 some pharmacies may already have all or part of their records in an electronic form, the Department  
10 believes mandating electronic recordkeeping will not by itself inherently increase public safety.  
11 Prescription records are required to be preserved and legible for at least five years. Both a properly  
12 maintained manual system and an electronic recordkeeping system can meet this requirement.

13 We acknowledge that an electronic recordkeeping system could provide information faster and  
14 perhaps more efficiently; however smaller pharmacies without a current electronic recordkeeping  
15 system would be financially burdened by having to purchase new software/hardware to meet the

1 proposed amendments. We do not believe public safety or the security of patient information would be  
2 negatively impacted as long as a manual or electronic system meets the current requirements of HRS  
3 Chapter 328, Section 328-17.7.

4 We also acknowledge that the amendment to HRS Chapter 328 may be intended for consistency  
5 with the proposed amendment to HRS Chapter 461, which will require pharmacies to have the capacity  
6 to receive electronic prescriptions.

7 As a practical matter, we question whether the July 1, 2010, effective date in the bill is too soon.  
8 Adequate time should be given to allow pharmacies with manual record keeping systems to switch to  
9 electronic record keeping, and also comply with the proposed change to be able to receive electronic  
10 prescriptions under chapter 461. The acquisition and implementation of a significant computer system  
11 can take time, especially if good planning is used and if the user's system must interact with other  
12 parties' systems.

13 We ask that the bill be held.

14 Thank you for the opportunity to testify.

**PRESENTATION OF THE  
BOARD OF PHARMACY**

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Friday, February 5, 2010  
2:55 p.m.

**WRITTEN TESTIMONY ONLY**

**TESTIMONY ON SENATE BILL NO. 2811, RELATING TO PHARMACIES.**

TO THE HONORABLE DAVID Y. IGE, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Dr. Elwin Goo, Chair of the Board of Pharmacy ("Board") and I appreciate the opportunity to present testimony on this bill that would require all pharmacies and remote dispensing pharmacies to maintain prescription records electronically and to accept and transmit prescription records electronically in accordance with the provisions of Chapter 328, Hawaii Revised Statutes ("HRS").

I would like to preface my comments by informing the Committee that the Board has not yet reviewed this bill, which is scheduled for discussion at the Board's next meeting on February 18, 2010. It is at this meeting that all proposed legislation regarding amendments to Chapter 461, HRS, are slated to be addressed in a public forum at which all interested parties may attend.

The Board, when it meets, will need to consider how this will financially affect the independent, smaller, "mom and pop" pharmacies. The technology involved may require the pharmacy to purchase or upgrade their current system to be in compliance and this would pose a financial burden for these pharmacies.

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Friday, February 5, 2010  
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Thank you for the opportunity to testify on Senate Bill No. 2811.

# HMSA

LATE



An Independent Licensee of the Blue Cross and Blue Shield Association

February 5, 2010

The Honorable David Ige, Chair  
The Honorable Josh Green M.D., Vice Chair  
Senate Committee on Health

**Re: SB 2811 – Relating to Pharmacies**

Dear Chair Ige, Vice Chair Green and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2811 which would require all pharmacies, both brick and mortar and remote dispensing, to accommodate electronic prescriptions and maintain records electronically. HMSA supports the intent of this measure.

As you are aware, there is a lot of activity taking place locally in Hawaii in the realm of health information technology. The state will receive ARRA funding through the Hawaii Health Information Exchange in order to connect the entire health delivery system electronically. SB 2811 seemingly fits right in with the efforts being taken today.

We support the intent of SB 2811 to require pharmacies be able to accommodate electronic prescriptions and maintain electronic records. We would, however, like to point out a concern with the timeframes within which pharmacies would have to comply, January 2011. While the larger pharmacies may not have much difficulty meeting this goal, there are still many small mom-and-pop pharmacies, on both Oahu and the Neighbor Islands, which may have a more difficult time updating their systems to come into compliance with the requirements of SB 2811.

That being said, we do support the intent of SB 2811. Thank you for the opportunity to testify today.

Sincerely,

Jennifer Diesman  
Vice President  
Government Relations