

February 9, 2011

To: Hawaii Legislature

From: James F. Van Natta MD

Concerning: House Bills 1453 and 1414

To whom it may concern:

I am an interventional pain management physician. My partners and I have two multidisciplinary clinics, one in Kahului and the other in Waikoloa, i.e. Aloha Pain Clinic (APC). Following is a brief description of the reasons we are against house bills 1453 and 1414:

- Analysis of APC's account receivables illustrates the extreme lag time between treating workman's compensation (WC) patients and receiving reimbursement; e.g. WC pays an average of 34% expected payments vs. 71% by other major carriers including Medicare, HMSA, Quest, and AlohaCare within 120 days
- Physician dispensing is an available tool to marginally increase revenue to aid in maintaining collections at a sufficient level to continue to treat WC patients during the extended collection period
- Clinic/Physician controlled dispensing allows for greater control of opioids and other habit forming medications. The most rigid control of addictive prescription drugs, and thus prevention of abuse, would be achieved by only permitting patients to receive these medications at the clinic level by one specific provider for the patient.
- WC documentation, billing, collections, etc., time commitment requires much greater time than any other carrier. Perhaps, as much as 4-5 times more.
- Passing these Bills will greatly decrease the number of providers treating WC patients, including APC.

Sincerely,

James F. Van Natta MD



LATE

February 11, 2011

TESTIMONY IN SUPPORT OF SB1414

My name is Kris Kadzielawa and I am testifying in support SB1414. My company, Solera Integrated Medical Solutions, audits medical bills for compliance with the WC and Auto law and fee schedules.

Please know that this issue is already somewhat addressed in § HAR 16-23-114 and § HAR 12-15-55(c) which state:

Payment for covered prescription drugs and supplies shall be made at the average wholesale price plus forty per cent of the average wholesale price when sold by a health care provider, hospital, pharmacy, or alternative health care provider of service. Billings for prescriptive drugs shall include the national drug code number listed in the current American Druggist Red Book followed by the average wholesale price listed at time of purchase by the health care provider of service. (emphasis added)

However, SB1414 addresses this issue more clearly and definitively by specifying the cost basis for the repackaged drugs and formulas dispensed.

We are seeing exorbitant pricing for compounds and re-packaged drugs and very aggressive efforts to collect these fees. For example, for one claimant alone over a 2-year period, the City and County of Honolulu was billed for 37 tubes of the equivalent of Ben Gay for a total of \$8,632. In addition, each tube of the 'special formula' was ½ the size and the active ingredients were diluted by 10-20 times as compared to the active ingredients in the over-the-counter Ben Gay available at Long's Drugs for \$6-7 dollars.

Attached please find:

- 1) Demand letter from the provider to City and County of Honolulu offering \$7,000 as a compromise for their \$8,632 charges. Please note, only \$983 is allowable under the fee schedule.
- 2) List of that pharmacy's compounds and the allowance under Workers' Compensation and Auto (average wholesale price + 40%)

Thank you for considering my testimony in support of this important waste-reducing measure.

Mahalo,

Kris Kadzielawa
Director of Operations
IMS, a Solera Company

DEMAND FOR PAYMENT-WORKERS COMPENSATION

Regarding : [REDACTED]
Account # : [REDACTED]
SSN# [REDACTED]
DOI : [REDACTED]
CLAIM# [REDACTED]

Dear Ms. [REDACTED]

In the spirit of compromising and in order to avoid any further unnecessary delays, we hereby extend our most reasonable demand of \$7,000.00 as full and final satisfaction of outstanding balance of billed charge for date of service 4/25/2007 up to and including 12/28/2009 totaling \$8,632.96

If acceptable please sign the demand for payment and return to my direct Fax# [REDACTED] 85 within 24 hours, and OR make payment within 20 days.

Please make check payable to:

*For this one claim, This Pharmacy billed 37 tubes of
Compound medication for a total of \$ 8632
Allowable: \$ 983
They are billing 8.7 x allowable amount.*

Pharmacy Management

Billed vs. Allowable

i-9rc3-10 gms: Men 1%, Cam 0.5%, Cap 0.0375%

Billed amount: **\$53.30** AWP + 40%: **\$6.06**

i-9mc-60 gms: Men 1%, Cam 0.5%, Cap 0.05%, Lido 4%

Billed amount: **\$226.07** AWP + 40%: **\$30.18**

i-9rc4-60 gms: Men 1%, Cam 0.5%, Cap 0.05%

Billed amount: **\$223.83** AWP + 40%: **\$27.34**

i-9rc4-120 gms: Men 1%, Cam 0.5%, Cap 0.05%

Billed amount: **\$291.00** AWP + 40%: **\$54.73**

i-9E-60 gms: Lidocaine 10% gel

Billed amount: **\$219.35** AWP + 40%: **\$16.09**



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 11, 2011

To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce and Consumer Protection

Date: February 11, 2011

Time: 8:30 a.m.

Place: Conference Room 229, State Capitol

From: Dwight Y. Takamine, Interim Director
Department of Labor and Industrial Relations

Re: S.B. No. 1414 Relating to Repackaged Drugs & Compound Medications

I. OVERVIEW OF PROPOSED LEGISLATION

Senate Bill 1414 proposes to amend Section 386-21, HRS, by restricting the cost of repackaged or relabeled drugs to not exceed the amount that was paid had it not been repackaged or relabeled. The same would apply to any compound medication that is repackaged or relabeled. This bill will also allow prescription reimbursement of the lower of the average wholesale price plus forty percent or the carriers benefit network price.

II. CURRENT LAW

The current Workers' Compensation Medical Fee Schedule Administrative Rule, Section 12-15-55, allows for prescription drugs to be reimbursed at the average wholesale price as listed in Redbook plus percent when sold by a physician, hospital, pharmacy, or provider of service other than a physician. All billings for prescriptive drugs must include the national drug code listed in Redbook followed by average wholesale price listed at time of purchase by the provider of service.

The current law does not address the reimbursement of repackaged and relabeled, and compound medications.

2/11/11

III. SENATE BILL

The Department supports the intent of the bill, which opposes excessive or unnecessary added cost of prescription medication. The department continues to work towards insuring that Hawaii's injured workers continue to receive quality medical care, services, supplies, and easy access to filling prescription medication, while insuring providers of services and suppliers who care for Hawaii's injured workers are fairly reimbursed. The department does have an additional concern:

1. The bill is not clear as to its meaning when it specifies that prescription medication will be reimbursed at the lower of the average wholesale price plus forty percent or an insurer's "pharmacy benefit network price". It is not clear what this pharmacy benefit network price is and if this will restrict an injured worker to filling prescriptions at a specific pharmacy.

To the Hawaiian Legislature:

I just learned that the Hawaiian Legislation has proposed new laws that will reduce worker's compensation medication reimbursement so that doctors will no longer be able to dispense medications to injured workers' like myself.

This will make it difficult for workers like me who are injured to access medication. You see, I do not have a workers' compensation prescription card and therefore have to pay out of pocket for my medications or wait days for insurance verification if I go to the pharmacy. Being able to immediately receive my medications for free at my doctor's office is critical to my recovery.

My recovery went well because I had good access to treatment, a good doctor and was able to get my care without large expenses out of my pocket that, frankly, I could not afford.

Also, I hear that if this law is passed all the good doctors will stop seeing us injured workers. I heard Hawaii is already short 500 physicians for the amount of people in Hawaii. Apparently, there are extra costs in work comp because the doctors have to deal with adjusters and the insurance carriers take forever to pay.

I am asking you don't allow this proposed law to be enacted.

Sincerely,



LUI, IAVA
91-654 KILAHA ST. G8
EVA BEACH, HI 96706
258-0448

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Sincerely,

KEVIN H. IMAI
45-1105 A GROTE RD.
Kaneohe, HI 96744
808-247-2851

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Sincerely,

Theresa M. Parson
Theresa m. parson
P.O. Box 860525
Wahiawa HI 96786
(808)542-0320

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Sincerely,

Raymond Malasig

597-4274

*98-358 PONO ST.
Aiea, HI 96701
~~Wahiawa, HI 96791~~*

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Sincerely, *Terence Terfava*

1912 Kaliki St.

Honolulu, HI 96819

694-9520

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I am asking you don't allow this proposed law to be enacted.

Sincerely,



Batacan, Felimon
91-1111 Welo-Welo St.
Kapolei, HI, 96707
218-0826

To the Hawaiian Legislature:

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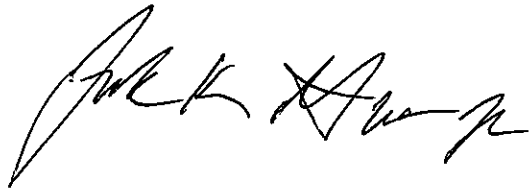
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Sincerely,



Frank Guerrero

91-257 Ewa Beach Rd
Ewa Beach, HI 96706

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Sincerely,



TORRES- CONTRERA, RUBEN
94-628 KUPAHOHI ST
WAIPAHU, HI 96797
778-7643

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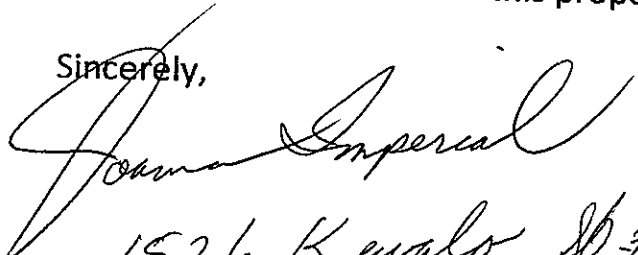
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Sincerely,


1526 Kewalo St #4

Hon. Hi. 96822

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Sincerely,

KELLY LAKE 428-8510


1987 CALIFORNIA AVE

WAHIAWA, HI 96786

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Sincerely, *Steve Adams 222-2025*

PO box 888 43

Honolulu, HI 96830

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Sincerely,

Martin Olvera JR.



91-046 Parkish Dr.
Ewa Beach, HI 96706
219-808-2698

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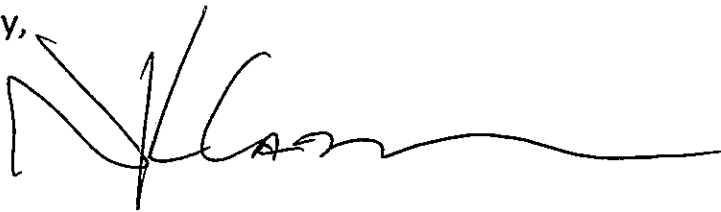
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Sincerely,



Caceres, Norman (809) 232-9118
91-225 Pipiliula Place
Kapolei, HI 96707

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Sincerely,



Malunao-Barba, Tanya Lynn
94-180 Kaima Pl.
Waipahu, HI 90797
330-3257

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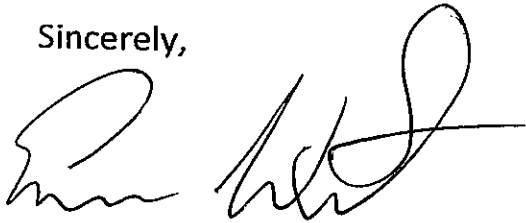
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Sincerely,

A handwritten signature in black ink, appearing to read 'Evan Waters', with a large, stylized flourish at the end.

EVAN WATERS

909 ALA LILIKOI ST. APT 403

HONOLULU HI 96818

688-6448

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Sincerely,

Marion S. Imaka

*Marion S. Imaka
85-336 Alohiki St.
Wahanae HI 96792*

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Sincerely, *Mandy Mcnerney*
Phone # 468-8789
87-119 HAKIMA Rd #A

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Sincerely,

Sofedad, Maramba
1475 Lihapuni St apt-409
Bldg A - Hon Hawaii
96819

 tel - 843-1331

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Sincerely, 

94-249 WAIKELE RD #A200

WAIIPAHU, HI, 96797

877-0585

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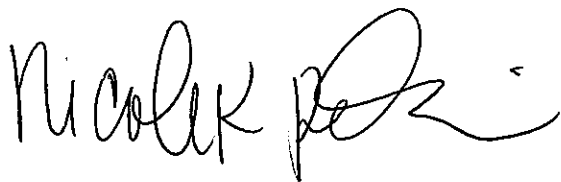
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Sincerely,



Nicole Pebrin

91-1537 Pahika St.

Ewa Beach, HI 96706

754-5433

To the Hawaiian Legislature:

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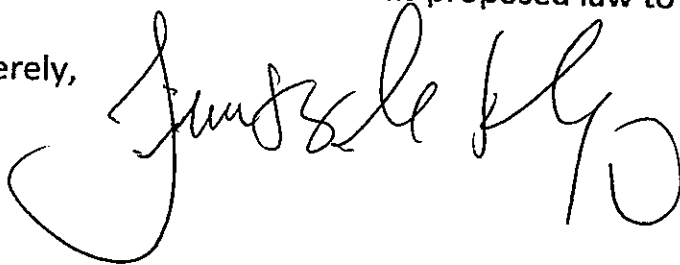
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I am asking you don't allow this proposed law to be enacted.

Sincerely,



TIMOTHY M. ABRIN
67-420 AIKAULA ST
WAIALUA, HI 96791

637-0288

To the Hawaiian Legislature:

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Sincerely,

Mary Robinson
91-617 Kulana PL #Q3
Ewa Beach, HI
96706

689-7314

To the Hawaiian Legislature:

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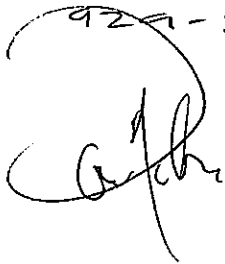
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I am asking you don't allow this proposed law to be enacted.

Sincerely,

muller, lanes
91-815 Kuhaulaia St.
Waipahu, HI 96797
929-5151



1/8/11

To the Hawaiian Legislature:

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Sincerely, 

Tessie L. Kolowena
89-846 Haleakala Ave.
Waiia, HI 96792

To the Hawaiian Legislature:

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Sincerely,

Miltra Oka
86-193 Moelokalua St.
6963730

To the Hawaiian Legislature:

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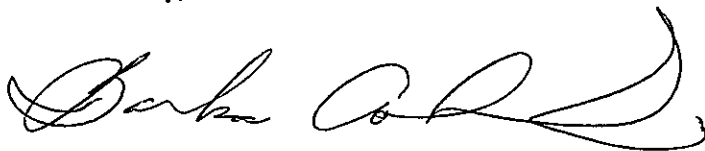
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Sincerely,



91-1165 Kauliki Pt.
Ewa Beach, HI 96706

277-2119

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I am asking you don't allow this proposed law to be enacted.

Sincerely,

Sherry Oho

91-261 C Hanalei Circle
Kona Beach HI 96706
(808) 685-4725

To the Hawaiian Legislature:

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I am asking you don't allow this proposed law to be enacted.

Sincerely, *STEVE SOARES*

306-3446

Steve Soares

91-1031 Halalani st.

Ewa Beach, HI 96706

To the Hawaiian Legislature:

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Sincerely,



NASSAR, GINA
91-1359 PUAMAEOLE ST.
EWA BEACH, HI 96706
309-825-0447

To the Hawaiian Legislature:

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Sincerely,

Lionel L. Jernigan
91-1165 Kauliki Ct.
Ewa Beach, HI 96706
277-2119

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Sincerely,

Handwritten signature of Tani Kalahiki in cursive script.

Kalahiki, Tani
92-1035 OKAA ST
KAPOLEI, HI 96707
728-9100

To the Hawaiian Legislature:

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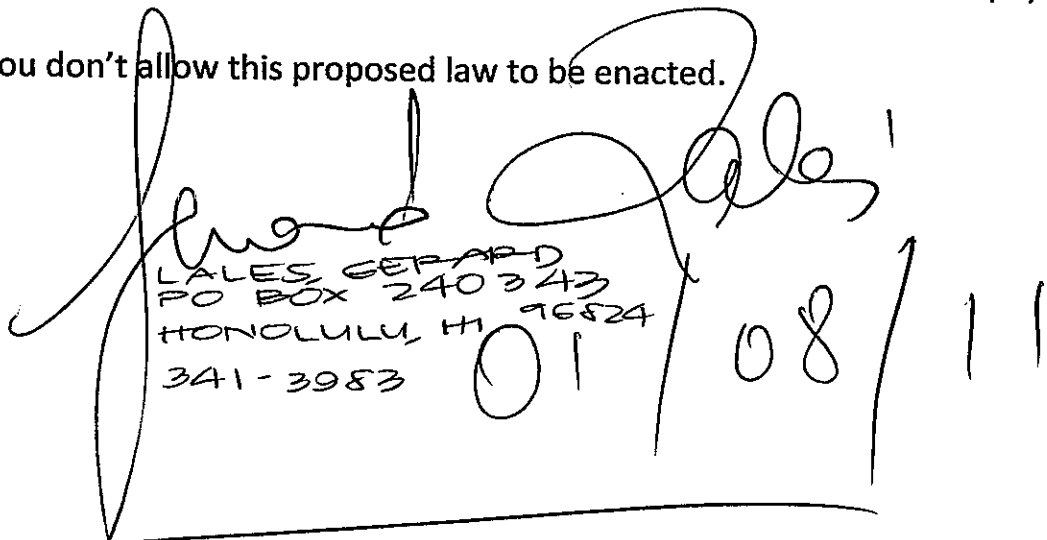
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Sincerely,


LALES GERARD
PO BOX 240343
HONOLULU, HI 96824
341-3983 01/08/11

To the Hawaiian Legislature:

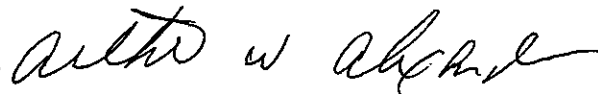
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Sincerely, 

Home 488-2035

Cell 387-7556

98-401 Kaula Hwy # 102
PEARL CITY, HI, 96797

To the Hawaiian Legislature:

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Sincerely,

Rona Balantac

91-1711 Ala Nui Maula Pl.

Ewa Beach HI 96706

671-3852

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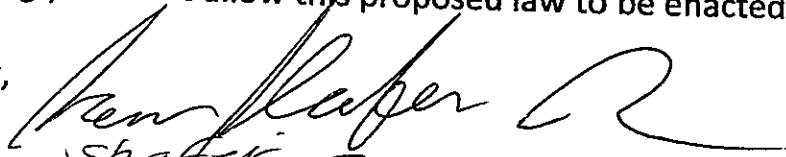
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Sincerely,


Shaffer, Sam
41-1109A Kamaha IP. #15A
Kapolei, HI 96707
674-2122

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I am asking you don't allow this proposed law to be enacted.

Sincerely, *Katherine D. Iakobekemai*

*89-500 Hanakuli Ave
Waiwani, HI 96792*

254-2314

To the Hawaiian Legislature:

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Sincerely, 

HAZAMA, GLENN
2011 HOOLEHUA ST.
PEARL CITY, HI 96782
382-5982

To the Hawaiian Legislature:

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Sincerely, Sharon Akana

Sharon Akana

1912 St John Rd.

Waianae, HI 96792

450-7071

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Sincerely,

Florentino Tamondong Jr.
94-397 Keoluani St.
Mililani, HI 96789
(808) 623-1570

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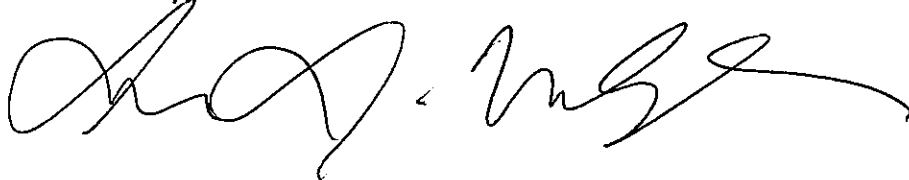
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Sincerely,



SUSAN, VILAYPHANH
94-1063 MEAHALE PL
WAIPAHU, HI 96797

627-5602

To the Hawaiian Legislature:

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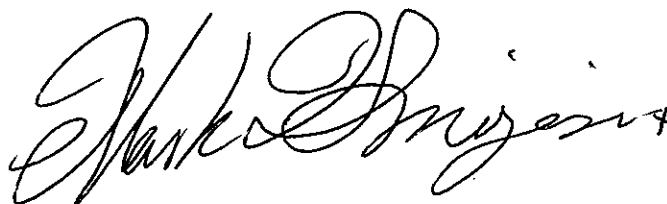
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Sincerely,



FRANK GUERRERO
91-257 EWA BEACH RD
EWA BEACH, HI 96706

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Sincerely,



RONALD ARCANGEL
91 1023 HANAFAA ST.
KAPOLEI, HI 96707

594 - 9010

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Sincerely,

Maryner S. Cadiz

953 8287

MARYNER CADIZ
94245 LEOWAHINE ST. A209
WAIPAHU, HI 96797