

**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

**Wednesday, February 5, 2014
2:10 p.m.**

WRITTEN TESTIMONY ONLY

**TESTIMONY ON HOUSE BILL NO. 2643, RELATING TO CONSUMER
PROTECTION.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Ahlani Quiogue, and I am one of the Executive Officers of the Hawaii Medical Board ("Board"). Thank you for the opportunity to provide written testimony on House Bill No. 2643, Relating to Consumer Protection. The Board has not had an opportunity to discuss this bill, but will do so at its next meeting on February 13, 2014. Therefore, the Board is not able to offer comments on the proposed amendments.

Thank you for the opportunity to provide written testimony on House Bill No. 2643.



HAWAII MEDICAL ASSOCIATION

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DATE: Wednesday, February 05, 2014
TIME: 2:10 PM
PLACE: Conference Room 325

TO:

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Derek S.K. Kawakami, Vice Chair

FROM: Hawaii Medical Association
Dr. Walton Shim, MD, President
Dr. Linda Rasmussen, MD, Legislative Co-Chair
Dr. Ron Keinitz, DO, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

RE: HB 2643

Position: In opposition.

This measure prohibits persons licensed pursuant to chapters 453 and 463E, HRS, from prescribing more than a thirty-day supply of certain types of drugs and prohibits the automatic refill of certain types of drugs.

HMA and other stakeholders are currently engaged in a working group to address issues relating to narcotic drugs. We would ask that the committee hold this bill until a holistic solution to this problem is developed. Any potential solution will need to take into account solutions being developed and implemented on a federal level. On Monday of this week the Senate opted to hold their version of this bill due to the fact that the federal government is addressing this issue and we need to come up with a solution that is workable for Hawaii to enforce.

HMA is very concerned about creating a mandate that prescriptions for narcotic drugs, listed in schedule 2 and 3, be limited to a thirty-day supply and prohibiting narcotics from automatic refills.

When we discussed this bill in our government affairs committee some of the members of our committee who are orthopedic surgeons noted that there are times that they see a patient who legitimately needs narcotic painkillers for longer than thirty days. They also stated that if there was a thirty-day limitation and the patient needed an additional supply after that, they would likely not be able to get an appointment within 30 days which may leave the patient vulnerable to

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months of severe pain without treatment.

Requiring that prescriptions be limited to a 30 days supply could cause unnecessary suffering for legitimate pain management patients.

Thank you for introducing this bill and for the opportunity to provide testimony.

**Testimony of Mihoko E. Ito
on behalf of
Walgreen Co.**

DATE: February 4, 2014

TO: Representative Angus McKelvey
Chair, Committee on Consumer Protection and Commerce

Submitted Via CPCtestimony@capitol.hawaii.gov

RE: **H.B. 2643 - Relating to Consumer Protection**
Hearing Date: Wednesday, February 5, 2014 at 2:10 p.m.
Conference Room: 325

Dear Chair McKelvey and Members of the Committee on Consumer Protection
Commerce,

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 8,200 locations in all 50 states, the District of Columbia and Puerto Rico. In Hawaii, Walgreens now has 17 stores on the islands of Oahu, Maui and Hawaii.

Walgreens **submits comments** regarding H.B. 2643, which proposes to prohibit certain persons from prescribing more than a thirty-day supply of all schedule II and III narcotic drugs and prohibits the automatic refill of these drugs.

Walgreens is committed to working with the Legislature and appropriate stakeholders to help control prescription drug abuse in Hawaii. We encourage the Committee to consider the following concerns we have with H.B. 2643, as well as consider some alternative solutions.

Walgreens believes that any legislation to curb prescription drug abuse must be balanced with consideration for patients to need to manage chronic pain. Clinically, narcotic schedule III drugs are often prescribed for acute pain, but these medications are also critical for helping patients manage chronic cancer and non-cancer pain. These medications allow patients to sleep through the night, continue to work and earn a living,

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and otherwise engage in and enjoy typical activities of everyday life. Patients with pain may rely upon prescriptions to be issued for greater than 30 days supply or automated refill services to help ensure they will have uninterrupted access to the medications that help them maintain an acceptable quality of life. The proposed legislation would restrict access to legitimate patients with chronic pain.

The proposed requirements in this bill also raise the question of what specific problem this bill is intended to solve. The bill prevents physicians and podiatrists from prescribing schedule II and schedule III drugs in more than 30 day supplies, and prohibits automatic refills. If the intent of the bill is to curb the overuse of hydrocodone, Walgreens notes that a federal effort is currently underway to reclassify hydrocodone as a schedule II substance. Specifically, the Food and Drug Administration has recommended that the Drug Enforcement Administration reclassify hydrocodone from a schedule III drug to a schedule II drug. If the drug is reclassified, it will automatically be subject to stricter prescriptive standards. Given that this effort is underway, the Committee may prefer allowing the federal standards to be developed.

Walgreens also notes that creating education programs may be alternatives to pursuing legislation restricting access to schedule III drugs. Specifically, the Committee might consider education programs that provide training to practitioners regarding pain management and safe prescribing, and developing a specific prescribing protocol for narcotic drugs. Such additional education could help practitioners identify patterns of patient abuse or misuse and practice safe prescribing. An example of one such program has been recently enacted in New York.

We respectfully request that the Committee consider the above concerns and alternative approaches, so that legitimate patients are not negatively impacted. Walgreens is committed to participating in further discussion on this important topic.

Thank you for the opportunity to submit testimony on this measure.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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DIRECTOR

Martha Torney
Deputy Director
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Max Otani
Deputy Director
Corrections

Shawn Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL (HB) 2643
A BILL RELATING TO
CONSUMER PROTECTION
by
Ted Sakai, Director
Department of Public Safety

House Committee on Consumer Protection & Commerce
Representative Angus L.K McKelvey, Chair
Representative Derek S.K. Kawakami, Vice Chair

Tuesday, February 5, 2014, 2:10 p.m.
State Capitol, Conference Room 325

Chair McKelvey, Vice Chair Kawakami, and Members of the Committee:

The Department of Public Safety (PSD) would like to **comment** on HB 2643, which would prohibit persons licensed pursuant to Chapters 453 (physicians, osteopathic physician, physician assistants) and 463E (Podiatrist), HRS, from prescribing more than a thirty-day supply, and prohibit automatic refills of Schedule II and III narcotic drugs.

If the intent of HB 2643 is to decrease the over prescribing of Schedule II and III narcotics controlled substances by all persons authorized to prescribe controlled substances, then HB2643 does not address dentists, advance practice nurses with prescriptive authority, and veterinarians, who also prescribe Schedule II and III narcotic controlled substances.

To accomplish this Section 329-38, HRS would have to be amended; however, "the not to exceed a thirty-day supply" language should not pertain only to narcotics controlled substances in Schedule II and III, but to all controlled substance prescriptions and dispensations since the abuse of benzodiazepines (Schedule IV) and narcotics cough syrups (Schedule V) are also a problem.

However, if the intent of HB 2643 is to address the abuse of Oxycodone and Hydrocodone, the legislature may want to wait for scheduling actions being proposed at the Federal level, to reschedule Hydrocodone to Schedule II, therefore eliminating the ability for physicians to prescribe refills. The legislature could also amend Section 329-38, to limit all controlled substance prescriptions, and each refill of Schedule III through V controlled substances to not exceed a thirty-day supply.

Thank you for the opportunity to testify on this matter.