

# SB2320

**Measure Title:** RELATING TO CONTRACEPTIVE SUPPLIES.

**Report Title:** Pharmacists; Prescriptive Authority; Contraceptive Supplies; Requirements; Health Insurance; Reimbursement

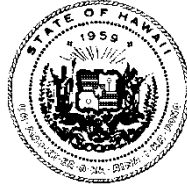
**Description:** Authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older. Specifies requirements pharmacists must meet prior to prescribing and dispensing contraceptive supplies. Requires all insurers in the State, including health benefits plans under chapter 87A, Hawaii Revised Statutes, and medicaid managed care programs, to reimburse pharmacists who prescribe and dispense contraceptive supplies.

**Companion:**

**Package:** Women's Legislative Caucus

**Current Referral:** CPH, JDL

**Introducer(s):** BAKER, CHUN OAKLAND, INOUYE, SHIMABUKURO, TOKUDA, Espero, Green, Ihara, Kidani, Kim



STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 2, 2016

TO: The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB 2320 - RELATING TO CONTRACEPTIVE SUPPLIES**

Hearing: Tuesday, February 2, 2016; 8:30 a.m.  
Conference Room 229, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the opportunity to testify on this bill and provides comments.

**PURPOSE:** The purpose of this bill is to authorize pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older; specifies requirements pharmacists must meet prior to prescribing and dispensing contraceptive supplies; requires all insurers in the State, including health benefits plans under chapter 87A, Hawaii Revised Statutes, and Medicaid managed care programs, to reimburse pharmacists who prescribe and dispense contraceptive supplies.

The DHS understands the intent of the measure is to increase access to contraceptive supplies. The Medicaid program providers are required to meet State licensure requirements as part of the credentialing process.

The DHS defers to the Department of Commerce and Consumer Affairs regarding the licensure and prescriptive authority of pharmacists.

Thank you for the opportunity to testify on this measure.



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
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CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Tuesday, February 2, 2016  
8:30 a.m.

**TESTIMONY ON SENATE BILL NO. 2320 – RELATING TO CONTRACEPTIVE SUPPLIES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department submits the following comments.

Adding a new subsection (d) to section 431:10A-116.6 (contraceptive services), Hawaii Revised Statutes (“HRS”), applicable to health insurers, and adding a new subsection (d) to section 432:1-604.5 (contraceptive services), HRS, applicable to mutual benefit societies, would require insurance coverage to include reimbursement to a pharmacist who prescribes and dispenses contraceptive supplies. The Department supports the intent of this new language because it expands consumer access without triggering a new mandate. The Department defers to the Legislature to determine the appropriate prescribing health care provider.

The Department takes no position on the proposed expansion under chapter 87A, HRS, and to Medicaid programs.

We thank this Committee for the opportunity to present testimony on this matter.

**PRESENTATION OF THE  
BOARD OF PHARMACY**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Tuesday, February 2, 2016  
8:30 a.m.

**TESTIMONY ON SENATE BILL NO. 2320, RELATING TO CONTRACEPTIVE  
SUPPLIES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Pharmacy ("Board"). I appreciate the opportunity to testify on Senate Bill No. 2320, Relating to Contraceptive Supplies, that authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age and older upon completion of certain requirements and requires all insurers in the State, including health benefits plans under chapter 87A, Hawaii Revised Statutes, and Medicaid managed care programs, to reimburse pharmacists who prescribe and dispense contraceptive supplies.

At this time we would like to offer our comments regarding pharmacists "prescribing" contraceptive supplies.

Currently, Hawaii pharmacists' scope of practice does not include "prescribing" of any prescription drug. Pharmacists may administer drugs pursuant to a valid prescription and a collaborative agreement with a practitioner. According to the 2016 National Association of Boards of Pharmacy Law Survey, twenty-one states that allow

Testimony on Senate Bill No. 2320  
Tuesday, February 2, 2016  
Page 2

pharmacists to “prescribe” based upon test outcomes must be in a collaborative practice agreement and/or protocol with a prescriber or practitioner with prescriptive authority.

Consideration of an individual’s health and welfare in regards to the practice of pharmacy is a Board concern and priority. Therefore we respectfully request more time to provide any recommendations.

Thank you for the opportunity to testify on Senate Bill No. 2320.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Commerce, Consumer Protection, and Health  
Tuesday, February 2, 2016 at 8:30am

By  
Carolyn Ma, PharmD., Interim Dean  
UH Hilo Daniel K. Inouye College of Pharmacy

### SB 2320 – RELATING TO CONTRACEPTIVE SUPPLIES

Chair Baker, Vice Chair Kidani and members of the committee:

My name is Carolyn Ma and I am the interim Dean for the Daniel K. Inouye College of Pharmacy (DKICP) at University of Hawai'i at Hilo. I am here to provide comments on SB 2320 Relating to Contraceptive Supplies.

Because HAR 461 does not allow prescriptive authority for pharmacists, the members of the Pharmacy profession are looking into the feasibility of this proposal. The DKICP would be willing to be part of the planning process specifically as it relates to the education and preparation of pharmacists in order to provide the services described in this bill.

Thank you for the opportunity to testify.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [mrocca@hscadv.org](mailto:mrocca@hscadv.org)  
**Subject:** \*Submitted testimony for SB2320 on Feb 2, 2016 08:30AM\*  
**Date:** Tuesday, January 26, 2016 3:40:01 PM

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**SB2320**

Submitted on: 1/26/2016

Testimony for CPH on Feb 2, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michelle Rocca	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: Hawaii State Senate Committee on Commerce, Consumer Affairs and Health  
Hearing Date/Time: Tuesday, February 2, 2016, 8:30 a.m.  
Place: Hawaii State Capitol, Rm. 229  
Re: Testimony of Planned Parenthood of Hawaii in support of S.B. 2329, Relating to Insurance, and offering an amendment

Dear Chair Baker and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 2320, which authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older. However, we request that the committee remove the 18 year age requirement and including additional defining language so that that prescribers together with their patients are able to make the best decisions for patients’ health care.

PPVNH is dedicated to advocating for women’s full equality in health care access and supports S.B. 2320 because it will go far to reduce the barriers that women face when attempting to access consistent and reliable contraception. By allowing pharmacists to prescribe and dispense contraception, S.B. 2320 will make contraception more accessible and have the effect of reducing unintended pregnancy and its associated costs to taxpayers.

However, while we appreciate the interest in expanding access to birth control, we have some significant concerns about the bill as currently written. We want to make sure that any bill that appears to increase access to birth control will actually do so.

- First and foremost, we respectfully request removal of the age restriction in the bill. Hawaii state law explicitly extends the right to consent to and receive health care services, including reproductive health care, and allows them to contract for those services. By introducing an age restriction into minors’ access to contraceptive, this bill will reduce the positive impact that this bill will have on access to birth control.
- Further, we request that the bill ensure that women still get information about the full range of contraceptive options, including the most effective methods – long acting reversible contraceptives – which are available only through a health care provider. Pharmacists are experts in their field, but they are asked to do a lot for patients, so we should consider whether many pharmacists would have the time to add these areas of education and counseling to their work with patients, beyond those who already seek (or could seek) the opportunity to do so with a collaborative practice agreement.
- With that, this bill calls for the completion of a “continuing education program ... related to prescribing contraceptive supplies.” We are concerned that this does not provide enough detail to ensure that pharmacists receive comprehensive training about contraceptive counseling on the full range of birth control methods such a long-acting reversible contraception and injectables.



- We also request additional language defining “clinical visit for women’s health,” which could mean different things for different women. Depending on age and health history, women face different health care recommendations and without greater specificity in this language, it is unclear exactly what care women must get to qualify for pharmacist prescription.
- Finally, although the bill includes insurance coverage for “prescribing and dispensing” contraceptive supplies, we are concerned that this language does not include guarantees that pharmacists would also receive reimbursement for a contraceptive counseling session. High-quality contraceptive counseling sessions take time, and we want to ensure pharmacists are paid for that time.

Thank you for this opportunity to testify in support of S.B. 2320 and for considering amendments to further increase women’s access to health care and reduce unintended pregnancy and its cost to taxpayers.

Sincerely,  
Laurie Field  
Hawaii Legislative Director and Public Affairs Manager

**American Congress of Obstetricians and Gynecologists  
District VIII, Hawaii (Guam & American Samoa) Section**

Greigh Hirata, MD, FACOG, Chair  
94-235 Hanawai Circle, #1B  
Waipahu, Hawaii 96797



To: Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair

DATE: Tuesday, February 2, 2016  
TIME: 8:30 A.M.  
PLACE: Conference Room 229

FROM: Hawaii Section, ACOG  
Dr. Greigh Hirata, MD, FACOG, Chair  
Dr. Jennifer Salcedo, MD, MPH, MPP, FACOG, Vice-Chair  
Lauren Zirbel, Community and Government Relations

**Re: SB 2320, Relating to Contraceptive Supplies**

**Position: Support**

Dear Senator Baker, Senator Kidani, and Committee Members,

The Hawaii Section of the American Congress of Obstetricians and Gynecologists (HI ACOG) supports SB2320 and other legislative proposals that promote increased access to contraception.

As a Section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents over 160 obstetrician/gynecologist physicians in our state.

ACOG's recommendations include:

1. Oral contraceptives (OCs) should be sold over the counter (OTC) in drugstores without a doctor's prescription. Easier access to OCs should help lower the nation's high unintended pregnancy rate, a rate that has not changed over the past 20 years and costs taxpayers an estimated \$11.1 billion annually.
2. Cost, access, and convenience issues are common reasons why women do not use contraception or use it inconsistently. There are no OCs currently approved for OTC access; OTC availability will improve women's access to and use of contraception. The benefits of making OCs easily accessible outweigh the risks.
3. Even though no drug is risk-free, the overall consensus is that OCs are safe. There is a risk of blood clots with OC use, but it is extremely low and significantly lower than the risk of blood clots during pregnancy and the postpartum period. Aspirin and acetaminophen are both available OTC even though they have well-known health risks.
4. Studies show women support OTC access to OCs and are able to self-screen with checklists to determine their health risks.

Evidence also shows that women will continue seeing their doctors for screening and preventive services even when allowed to purchase OCs without a prescription or doctor's appointment.

For these reasons, **HI ACOG supports SB2320.**

We stand ready to provide you with factual information on medical issues that come before the Legislature, and hope you will contact us at any time.

Over-The-Counter Access to oral contraception. Committee Opinion No. 554. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2012;120:1527-31 (reaffirmed 2014).



January 30, 2016

Senate's Committee on Commerce, Consumer Protection, and Health  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, HI 96813

Hearing: Tuesday, February 2, 2016 – 8:30 a.m.

RE: **SUPPORT for Senate Bill 2320** – RELATING TO CONTRACEPTIVE SUPPLIES

Aloha Chairperson Baker, Vice Chair Kidani and fellow committee members,

I am writing in SUPPORT to Senate Bill 2320 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 2320 authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older.

The cornerstone to ensuring every woman is in control of her own future is by making sure that each and every woman has access to contraceptive protection. We at the LGBT Caucus believe that this bill will strengthen that cornerstone.

We would be in strong support of this bill if the age in this bill had been linked to the age of consent. If this legislative body believes a person is old enough to consent to have sex then logic dictates that they should also be old enough to have access to contraceptive protection of their choice.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair



January 31, 2016

TESTIMONY: Written only

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

From: **Hawaii Public Health Association**

Subject: **SUPPORT – SB2320 RELATING TO CONTRACEPTIVE SUPPLIES**

Hearing: February 02, 2016 at 8:30am at State Capitol Room 229

The Hawaii Public Health Association (HPHA) is an association of over 600 community members, public health professionals, and organizations statewide dedicated to improving public health. HPHA also serves as a voice for public health professionals and as a repository for information about public health in the Pacific.

**HPHA supports the passage of SB2320** which authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen years of age or older.

In 2010, 56% of all 16,000 pregnancies in Hawaii were unplanned. The unintended pregnancy rate was reported 61 per 1,000 women ages 15–44. Publicly supported family-planning centers aided 19,800 female contraceptive clients in 2013. These locations met 28% of women’s need for contraceptive services and helped avert 4,800 unintended pregnancies in 2013. This program was projected to have prevented 2,400 unplanned births and 1,600 abortions. However, many women do not seek care for unintended pregnancy, due to scheduling issues, costs of care, or not wanting to go through an embarrassing GYN examination to obtain a doctor’s prescription.

Over-The-Counter (OTC) contraceptives would expedite the process for women to receive a fitting birth control method and prevent pregnancy.

Birth control methods including pills, patches, and rings will still require prescriptions after taking a brief health questionnaire, but will be more easily accessible as OTC. Pharmacists who complete a specific training program can give prescriptions directly, and



can determine which hormonal methods might be appropriate and safe. Women will still be highly encouraged to attend annual exams to test for cervical cancer, sexually transmitted infections, and other critical health concerns. This legislation will support more women through safe birth control methods and will reduce rates of unintended pregnancy, as well as pregnancy termination. Ensuring that these OTC prescriptions are covered by health insurance is an important aspect of the access to care process.

HPHA supports the encouragement of safe and accessible birth control methods for women in Hawaii. OTC contraceptives are an attainable way to prevent unintended or unwanted pregnancies. This bill will deter the overuse of emergency contraception, pregnancy termination, and other methods of pregnancy prevention that can be considered unsafe if over-used or used improperly.

Thank you for considering our testimony concerning **SB2320**, which would allow pharmacists to administer OTC birth control methods to women in Hawaii.

Respectfully submitted,

Hoce Kalkas, MPH  
HPHA Legislative and Government Relations Committee Chair



To: Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair

DATE: Tuesday, February 2, 2016  
TIME: 8:30 A.M.  
PLACE: Conference Room 229

From: Hawaii Medical Association  
Dr. Scott McCaffrey, MD, President  
Dr. Linda Rasmussen, MD, Legislative Co-Chair  
Dr. Ronald Keinitz, MD, Legislative Co-Chair  
Dr. Christopher Flanders, DO, Executive Director  
Lauren Zirbel, Community and Government Relations

**Re: SB 2320, Relating to Contraceptive Supplies**

**Position: Support**

Dear Senator Baker, Senator Kidani, and Committee Members,

The Hawaii Medical Association support the position of the Hawaii Section of the American Congress of Obstetricians and Gynecologists (HI ACOG) in support of SB2320 and other legislative proposals that promote increased access to contraception.

ACOG's recommendations include:

1. Oral contraceptives (OCs) should be sold over the counter (OTC) in drugstores without a doctor's prescription. Easier access to OCs should help lower the nation's high unintended pregnancy rate, a rate that has not changed over the past 20 years and costs taxpayers an estimated \$11.1 billion annually.
2. Cost, access, and convenience issues are common reasons why women do not use contraception or use it inconsistently. There are no OCs currently approved for OTC access; OTC availability will improve women's access to and use of contraception. The benefits of making OCs easily accessible outweigh the risks.
3. Even though no drug is risk-free, the overall consensus is that OCs are safe. There is a risk of blood clots with OC use, but it is extremely low and significantly lower than the risk of blood clots during pregnancy and the postpartum period. Aspirin and acetaminophen are both available OTC even though they have well-known health risks.
4. Studies show women support OTC access to OCs and are able to self-screen with checklists to determine their health risks.

**OFFICERS**

**PRESIDENT – D. SCOTT MCCAFFREY , MD, PRESIDENT ELECT – BERNARD ROBINSON, MD**  
**IMMEDIATE PAST PRESIDENT – ROBERT SLOAN, MD, SECRETARY - THOMAS KOSASA, MD,**  
**TREASURER – MICHAEL CHAMPION, MD, EXECUTIVE DIRECTOR – CHRISTOPHER FLANDERS, DO**

Evidence also shows that women will continue seeing their doctors for screening and preventive services even when allowed to purchase OCs without a prescription or doctor's appointment.

For these reasons, **HMA supports this legislation.**

We stand ready to provide you with factual information on medical issues that come before the Legislature, and hope you will contact us at any time.

Over-The-Counter Access to oral contraception. Committee Opinion No. 554. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2012;120:1527-31 (reaffirmed 2014).





An Independent Licensee of the Blue Cross and Blue Shield Association

February 2, 2016

The Honorable Rosalyn Baker, Chair  
Senate Committee on Commerce, Consumer Protection, and Health  
The Honorable Michelle Kidani, Vice-Chair  
Senate Committee on Commerce, Consumer Protection, and Health

**Re: SB 2320 – Relating to Contraceptive Supplies**

Dear Chair Baker, Vice-Chair Kidani and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to offer testimony on SB 2320, which authorizes pharmacists to prescribe and dispense contraceptive supplies to persons eighteen year of age or older.

While HMSA supports the intent of SB 2320, we do have questions which should be addressed should this bill advance:

- Contraceptive supplies can include both oral and injectable forms of contraception; should language be included to define contraceptive supplies as only applying to those that are only self-administered oral or transdermal products?
- It is currently unclear whether pharmacists can authorize refills; if so, will the patient have to fill out a self assessment and PCP referral at each visit to the prescribing pharmacist?
- How will the referral of a patient to the patient's primary care provider be monitored; what if the patient does not have a primary care provider at the time of contact with pharmacist? In order to maintain the best possible care for a patient, or member, we believe it would be in the best interest of the patient to require pharmacists to report to a PCP upon dispensing a prescription.

HMSA appreciates the intent of SB 2320 to remove barriers to particular prescription contraceptives for patients and members. We do, however, believe that the aforementioned questions and comments are necessary concerns that should be addressed in order to protect the health of a patient and prevent unsafe or fragmented care. We look forward to working with the Committee to address these concerns.

Thank you for allowing us to testify on SB 2320.

Sincerely,

Jennifer Diesman  
Vice President, Government Relations

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [thinkingglobal@gmail.com](mailto:thinkingglobal@gmail.com)  
**Subject:** \*Submitted testimony for SB2320 on Feb 2, 2016 08:30AM\*  
**Date:** Monday, February 01, 2016 1:26:26 PM

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**SB2320**

Submitted on: 2/1/2016

Testimony for CPH on Feb 2, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay	Individual	Support	No

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [dylanarm@hawaii.edu](mailto:dylanarm@hawaii.edu)  
**Subject:** \*Submitted testimony for SB2320 on Feb 2, 2016 08:30AM\*  
**Date:** Wednesday, January 27, 2016 7:01:32 PM

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**SB2320**

Submitted on: 1/27/2016

Testimony for CPH on Feb 2, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [sara.hoerlein@gmail.com](mailto:sara.hoerlein@gmail.com)  
**Subject:** \*Submitted testimony for SB2320 on Feb 2, 2016 08:30AM\*  
**Date:** Monday, February 01, 2016 10:01:43 AM

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**SB2320**

Submitted on: 2/1/2016

Testimony for CPH on Feb 2, 2016 08:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sara Hoerlein	Individual	Support	No

Comments:

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