

**PRESENTATION OF THE
BOARD OF PHARMACY**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, March 28, 2017
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 513, S.D. 1, H.D. 1, RELATING TO
CONTRACEPTIVE SUPPLIES.**

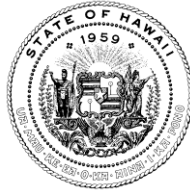
TO THE HONORABLE ROY M. TAKUMI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Pharmacy (“Board”). I appreciate the opportunity to submit testimony on Senate Bill No. 513, S.D. 1, H.D. 1, Relating to Contraceptive Supplies, which would authorize pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients.

The Board supports this bill as certain healthcare services provided by pharmacists are vital in ensuring that residents of this State have access to safe health care, and this measure will promote greater health care access in a reasonable way. This bill ensures that pharmacists receive specialized education and training to prescribe and dispense contraceptive supplies. Pharmacists who wish to prescribe and dispense contraceptives will not only “dispense” medication but will have to counsel and refer patients to the patient’s primary care provider.

Additionally, this measure was amended by the Senate Committee on Commerce, Consumer Protection, and Health to include provisions from House Bill No. 1896 (2016) to allow pharmacists to be reimbursed for contraceptive supplies and services. While the Board believes that adequate reimbursement for pharmacists who provide contraceptive supplies and services is a critical part of supporting increased access to care, the Board defers to the State's Insurance Commissioner with respect to highlighting any issues related to the specific amendments to the Hawaii Insurance Code being proposed in this measure.

Thank you for the opportunity to present testimony in support of Senate Bill No. 513, S.D. 1, H.D. 1.



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

STATE OF HAWAII
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TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, March 28, 2017
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 513, S.D. 1, H.D. 1 – RELATING TO
CONTRACEPTIVE SUPPLIES.**

TO THE HONORABLE ROY M. TAKUMI, 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 opposes sections 3 and 4 of this bill and submits the following comments.

The purpose of this bill is to authorize pharmacists to prescribe and dispense certain contraceptives.

The Department supports healthcare professionals receiving reimbursement for contracted services performed within the scope of their licenses. In this regard, the Department defers to the comments of the Board of Pharmacy with respect to whether this measure is an appropriate way to expand access to health care treatment in Hawaii. However, the Department is concerned with the provisions of this measure that would codify contractually negotiated reimbursement mandates into statutes.

Sections 3 and 4 of this bill amend Hawaii Revised Statutes sections 431:10A-116.6 and 432:1-604 to mandate that health insurers provide “reimbursement” to pharmacists who prescribe and dispense contraceptives under the authority created by

section 1 of this bill. As sections 3 and 4 effectively require the enforcement of mandated reimbursement provisions by the Department's Insurance Division ("Division"), the Department is concerned this would require the Division to settle contract disputes between insurers and pharmacists that would otherwise be private or business rights of action. Thus, the Department is concerned about the expansion of the Division's scope to oversee contractual provisions between insurers and pharmacists.

Furthermore, the coverage mandate created in sections 3 and 4 of this bill is specifically tied to the expansion of pharmacy practice created by section 1 of this bill. Such a mandate may be interpreted to indicate that each time the scope of a regulated profession receiving compensation from health insurers is expended, there must be a corresponding amendment to insurance statutes to guarantee payment for that expansion.

For these reasons, we respectfully request the Committee strike sections 3 and 4 of this bill. Additionally, any proposed mandated health insurance coverage requires the passage of a concurrent resolution requesting the State Auditor to prepare and submit a report assessing the social and financial impacts of the proposed mandate, pursuant to Hawaii Revised Statutes section 23-51.

We thank the Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
March 28, 2017 at 2:00 p.m.

by
Carolyn Ma, PharmD, BCOP
DEAN
UH Hilo – Daniel K. Inouye College of Pharmacy

SB 513 SD1 HD1 – RELATING TO CONTRACEPTIVE SUPPLIES

Chair Takumi, Vice Chair Ichiyama, and members of the Committee:

My name is Carolyn Ma and I am the Dean for the Daniel K. Inouye College of Pharmacy (DKICP). The college fully supports this bill that will authorize pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients.

In relation to this bill, all U.S. accredited colleges of pharmacy more than adequately prepare student pharmacists in courses related to this area of pharmacology and therapeutic practice. Courses in contraceptive and hormonal pharmacology, reproductive physiology, and women's health are taught in the 3rd professional year. Education is provided throughout the four year professional curriculum on medication assessment and therapeutic recommendations via related laboratory tests and subjective/objective findings related to disease and drug therapy. Experiential clinical rotations in ambulatory care clinics and in community pharmacies also provide practical experience for student pharmacists so they are well prepared for this component of reproductive health practice in their careers.

The DKICP has held discussions with the Oregon State University School of Pharmacy who provide a certification course in order for pharmacists to provide this service. Both schools are willing to partner in order to provide this certification course for Hawai'i licensed pharmacists. Two approved providers in Hawai'i, the DKICP and Hawai'i Pacific Health may offer ACPE accredited program and fulfill the required continuing education units outlined in the proposed bill.

Thank you for the opportunity to testify on SB 513 SD1 HD1.

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



To: Committee on Consumer Protection & Commerce
Rep. Roy Takumi, Chair
Rep. Linda Ichiyama, Vice Chair

DATE: Tuesday, March 18, 2017 (1400)

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

**Statement of the Hawaii Section of the American Congress of Obstetricians and Gynecologists
SB 513: OPPOSE**

The Hawaii Section of the American Congress of Obstetricians and Gynecologists (HI ACOG) supports over-the-counter access to oral contraceptive pills and opposes SB 513 and other legislative proposals that take only intermediate steps toward such access. As a Section of the Nation's leading group of physicians dedicated to improving health care for women, HI ACOG represents more than 200 obstetrician/gynecologist physicians in our state.

Over-the-Counter Access to Oral Contraceptive Pills

- Women are able to appropriately self-screen for contraindications to combined oral contraceptive pills, the most commonly used short-term hormonal contraceptive method.
- The provision of other preventive health services, such as cervical cancer screening and sexually transmitted infection testing is not medically required to initiate or continue hormonal contraception.
- Payment for pharmacist services by insurance companies and inappropriate pharmacist refusal to provide hormonal contraception may present additional access barriers to hormonal contraception.

For these reasons, **HI ACOG supports over-the-counter access to oral contraceptive pills and is unable to support intermediate steps toward such access, such as SB 513.** 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 contraceptives. Committee Opinion No. 544. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2012; 120:1527-31.



March 28, 2017

The Honorable Roy M. Takumi
Chairman
Hawaii State House Committee on Consumer Protection & Commerce
Hawaii State Capitol
Room 320
415 South Beretania Street
Honolulu, HI 96813

Dear Chairman Takumi:

The American Osteopathic Association (AOA) and the Hawaii Association of Osteopathic Physicians and Surgeons (HAOPS) are writing to urge you to oppose SB 513. This bill would expand the scope of practice for pharmacists by allowing them to independently prescribe and dispense self-administered hormonal contraceptives. We are opposed to this expansion of practice rights because the bill lacks appropriate increases in education, training and competency demonstration requirements that protect patients. The AOA and HAOPS also believe that removing physician involvement from patient care could place the health and safety of Hawaii's patients at risk.

The AOA represents nearly 130,000 osteopathic physicians (DOs) and osteopathic medical students, promotes public health, encourages scientific research, serves as the primary certifying body for DOs and is the accrediting agency for osteopathic medical schools. More information on DOs/osteopathic medicine can be found at www.osteopathic.org. HAOPS is a professional medical organization that represents over 300 DOs providing patient care in Hawaii.

While we value the contributions of pharmacists to the health care delivery system, we believe any expansion of their authority to provide direct patient care without appropriate oversight should be directly related to additional education and competency demonstration requirements.

Risks of hormonal contraception include:

- **Serious side effects** including: blood clots, stroke and death.
- **Increased risk of depression;** A study published last year in the *Journal of the American Medical Association Psychiatry* also found that using hormonal contraception increased women's risk of developing depression by 23 percent overall, and nearly doubled the risk for teenagers.¹

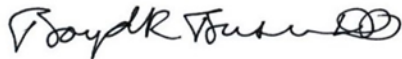
¹ Rodriguez, Carmen Heredia. "Large Danish Study Links Contraceptive Use to Risk of Depression." *Kaiser Health News*, Sept. 28, 2016. Available at: <http://khn.org/news/large-danish-study-links-contraceptive-use-to-risk-of-depression/>.

In order to ensure patient safety:

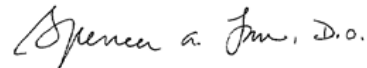
- **Ongoing and continuous physician involvement is necessary**, as these risks highlight, in the evaluation of patients on contraceptives.
- **The only way to ensure delivery of high quality health care and patient safety** is to maintain a high level of ongoing evaluation and physician involvement.

Expanding the scope of practice for pharmacists to prescribe contraceptives without appropriate oversight and commensurate increases in education and competency demonstration requirements could place patient safety and the public at risk. **We urge you to protect the safety of Hawaii's patients by opposing SB 513.** Should you need any additional information, please feel free to contact Nick Schilligo, MS, Associate Vice President, State Government Affairs at nschilligo@osteopathic.org or (800) 621-1773, ext. 8185.

Sincerely,



Boyd R. Buser, DO
President, AOA



Spencer Lau, DO
President, HAOPS

CC: Mark A. Baker, DO, AOA President-elect
William J. Burke, DO, Chair, AOA Department of Governmental Affairs
Richard Thacker, DO, Chair, AOA Bureau of State Government Affairs
Adrienne White-Faines, MPA, AOA Chief Executive Officer
Laura Wooster, MPH, Senior Vice President, AOA Public Policy
Nicholas Schilligo, MS, Associate Vice President, AOA State Government Affairs
Samyuktha Gumidyala, Affiliate Executive, HAOPS

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 27, 2017 10:14 AM
To: CPCtestimony
Cc: puyemoto@gmail.com
Subject: *Submitted testimony for SB513 on Mar 28, 2017 14:00PM*

SB513

Submitted on: 3/27/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Uyemoto	Hawaii Pharmacists Association	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 House of Representatives Committee on Consumer Protection and Commerce
Hearing Date/Time: Tuesday, Mar. 28, 2017, 2:00 p.m.
Place: Hawaii State Capitol, Rm. 329
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii with comments to S.B. 513, SD1, HD1 relating to Contraceptive Supplies

Dear Chair Takumi and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes with comments to S.B. 513, SD1, HD1, which seeks to authorize pharmacists to prescribe certain forms of birth control to patients.

We fully appreciate the interest in expanding access to birth control, but 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. Reports from California and Oregon, where similar laws are in effect, indicate that there are still issues that need to be worked out to ensure that increased access to birth control isn’t obtained at the expense of women’s health.¹

We want to be sure that women will still receive comprehensive and accurate information about the full range of contraceptive options, including methods that will still not be available at the pharmacy even with this bill, such as long action reversible contraceptives (LARCs). Additionally, detailed referral information should be available if patients express interest in other methods, including information on whether providers are covered by a patient’s insurance. Confidentiality concerns over receiving counseling or birth control information at a pharmacy must also be addressed.

While pharmacists are experts in their field, they are asked to do a lot for patients, so it’s worth consulting with pharmacists as to 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.

This bill calls for the completion of a “program approved by the board 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 as long-acting reversible contraception and injectable contraception, and on other important information about STI treatment and routine women’s health services.

When looking at this wide range of concerns as well as the opportunity to learn from other states, it seems that this bill may not be quite ready for action, as many changes are needed to ensure that it meaningfully increases access to the full range of contraceptive methods.

¹ See e.g., *Women in California can legally get birth control without a prescription. But for many, it's a struggle*, Soumya Karlamangla, Los Angeles Times (Oct. 31, 2016), available at <http://www.latimes.com/local/la-me-ln-pharmacy-contraception-20161026-story.html>.

Thank you for this opportunity to testify.

Sincerely,
Laurie Field
Hawaii Legislative Director and Public Affairs Manager

Aloha Chair Takumi, Vice Chair Ichiyama, and House Committee members, thank you for this opportunity to provide testimony on SB513.

I am writing in **support of this bill** because it will allow women to have more access to birth control.

Statistics show that women with access to birth control have higher education levels, higher career achievement, and higher wages. By expanding access to birth control, we expand women's economic opportunity. Women searching for birth control face many barriers: long wait times to see their doctor; having to pay for expensive exams; women in rural areas need transportation to get to the doctor; busy with work and school. Studies have shown that half, and even more in some populations, of pregnancies are unintended and that unintended pregnancies come with significant risks for both mother and baby. The advantages of contraception use far outweigh the personal health risks and the public health harm associated with unintended pregnancy for women of all ages. The models used in California, Oregon, and Washington have shown that women understand and can identify the risk factors they may have that would indicate if contraceptives are a safe choice for them. Pharmacists go through extensive training and are the most accessible healthcare providers in our community. Times Pharmacy urges your support of SB513 to provide the women of Hawaii more opportunities to access birth control.

Mahalo for your consideration!

Patrick Uyemoto, Pharm.D.
Clinic Pharmacy Manager
Times Pharmacy
808.675.8755
Patricku@times-supermarket.com

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 27, 2017 10:12 AM
To: CPCtestimony
Cc: puyemoto@gmail.com
Subject: *Submitted testimony for SB513 on Mar 28, 2017 14:00PM*

SB513

Submitted on: 3/27/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Uyemoto	Times Pharmacy	Support	Yes

Comments:

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DATE: March 26, 2017

TO: Representative Roy Takumi
Chair, Committee on Consumer Protection and Commerce
Submitted Via Capitol Website

RE: **S.B. 513, S.D.1, H.D.1 – Relating to Contraceptive Supplies**
Hearing Date: Tuesday, March 28, 2017 at 2:00 p.m.
Conference Room: 329

Dear Chair Takumi and Members of the Committee on Consumer Protection and 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 20 stores on the islands of Oahu, Maui, and Hawaii.

Walgreens **supports** S.B. 513, S.D.1, H.D.1 which authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies, and specifies requirements pharmacists must meet prior to prescribing and dispensing contraceptive supplies.

Hawaii faces a growing primary care provider shortage, particularly in rural areas. Pharmacists are the very accessible healthcare providers, due to their location and hours, and are in a unique position to alleviate this shortage by practicing at the height of their profession. Pharmacists have training in the area of comprehensive contraception counseling, and are also trained to ensure that the selection of contraceptives is safe, effective, and that patients will not have adverse drug interactions.

Oregon and California recently passed laws that allow pharmacists to prescribe hormonal contraceptives to patients without seeing a doctor. We believe that increasing

Gary M. Slovin
Mihoko E. Ito
R. Brian Tsujimura
C. Mike Kido
Tiffany N. Yajima
Matthew W. Tsujimura

Page 2

a woman's access to hormonal contraceptives, similar to these other states, will help to improve public health in Hawaii.

Walgreens supports the current version of the bill and respectfully asks this committee to pass the measure. Thank you for the opportunity to submit this testimony in support of S.B. 513, S.D.1, H.D.1.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 27, 2017 10:47 PM
To: CPCtestimony
Cc: keri.oyadomari@gmail.com
Subject: *Submitted testimony for SB513 on Mar 28, 2017 14:00PM*

SB513

Submitted on: 3/27/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Derek Tenga	Individual	Support	No

Comments:

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Sent: Monday, March 27, 2017 10:46 PM
To: CPCtestimony
Cc: keri.oyadomari@gmail.com
Subject: *Submitted testimony for SB513 on Mar 28, 2017 14:00PM*

SB513

Submitted on: 3/27/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Keri Oyadomari	Individual	Support	No

Comments:

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To: CPCtestimony
Cc: rkorph@gmail.com
Subject: Submitted testimony for SB513 on Mar 28, 2017 14:00PM

SB513

Submitted on: 3/26/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Okamura, PharmD	Individual	Support	No

Comments: The American Congress of Obstetricians and Gynecologists (ACOG) has issued a formal statement that self administered hormonal contraception should be made more accessible because the benefit of preventing unintended pregnancies by improving access outweighs the small risk associated with serious events. This bill authorizes pharmacist to provide hormonal contraception directly to women and improve access now. With the Doctor of Pharmacy education, training and ACPE credentials, the Pharmacist are competent to provide hormonal contraception directly.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 24, 2017 6:51 PM
To: CPCtestimony
Cc: rontthi@gmail.com
Subject: *Submitted testimony for SB513 on Mar 28, 2017 14:00PM*

SB513

Submitted on: 3/24/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Taniguchi, Pharm.D.	Individual	Support	No

Comments:

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