



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2018

GOV. MSG. NO. 1305

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2018, the following bill was signed into law:

HB2145 HD1 SD1 CD1

RELATING TO MEDICATION
SYNCHRONIZATION
ACT 197 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor
JUL 10 2018
on _____

ORIGINAL ACT 197

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

H.B. NO. 2145
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO MEDICATION SYNCHRONIZATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that more than twenty-
2 three per cent of Americans currently use three or more
3 prescription medications, while eleven per cent of Americans
4 take five or more medications. According to the most recent
5 data from the federal Centers for Disease Control and
6 Prevention, the costs of treating patients with chronic diseases
7 account for eighty-six per cent of all health care costs in the
8 United States. However, only fifty per cent of those on
9 maintenance medications for chronic diseases adhere to their
10 prescription therapies.

11 The legislature recognizes that studies have shown that
12 medication adherence is critical to long-term positive patient
13 outcomes, and that prescription medications are important tools
14 that can assist in the management of chronic diseases. However,
15 patients often delay or miss their medication refills due to
16 confusion over when refills are needed for prescriptions.

17 The legislature further finds that more than fifteen states
18 have passed legislation that enables pharmacies and patients to



1 work together with their practitioners to synchronize the
2 dispensing of medications. Medication synchronization
3 facilitates the coordination of medication refills so that
4 patients who take two or more maintenance medications for
5 chronic conditions can refill their medications on the same
6 schedule. Medication synchronization improves patient health by
7 improving medication adherence rates, minimizing disruptions in
8 treatment, simplifying patient and caregiver routines,
9 streamlining trips to the pharmacy, reducing costs to insurers,
10 promoting efficient workflow in pharmacies, and synchronizing
11 all of a patient's medications for one pickup day every month.

12 Accordingly, the purpose of this Act is to allow the
13 synchronization of plan participants' medications by requiring
14 health plans, policies, contracts, or agreements that are
15 offered by health insurers, mutual benefit societies, and health
16 maintenance organizations and provide prescription drug benefits
17 to apply prorated daily cost-sharing rates for prescriptions
18 dispensed by network pharmacies for less than a thirty-day
19 supply.



SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to part VI of article 10A to be appropriately designated and to read as follows:

"§431:10A- Medication synchronization; proration; dispensing fees. (a) Each individual or group policy of accident and health or sickness insurance that provides prescription drug coverage in the State shall apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a thirty-day supply for the purpose of medication synchronization; provided that the insured patient requests or agrees to less than a thirty-day supply.

(b) For the purposes of medication synchronization under this section, the insurer that provides prescription drug coverage shall:

- (1) Not deny coverage for the dispensing of a maintenance medication that is dispensed by a network pharmacy on the basis that the dispensed amount is a partial supply and the insured patient requests or agrees to a partial supply; and



1 (2) Authorize a network pharmacy to override any denial
2 codes indicating that a prescription is being refilled
3 too soon.

4 (c) No policy providing prescription drug coverage shall
5 use payment structures incorporating prorated dispensing fees.
6 Dispensing fees for partially filled or refilled prescriptions
7 shall be paid in full for each prescription dispensed,
8 regardless of any prorated copayment for the beneficiary or fee
9 paid for medication synchronization services.

10 (d) A network pharmacy shall identify an anchor
11 prescription to which all other prescriptions may be subject to
12 medication synchronization; provided that any medication
13 dispensed in an unbreakable package shall not be considered the
14 anchor prescription for purposes of this section.

15 (e) No schedule II narcotic controlled substance listed in
16 section 329-16 shall be eligible for medication synchronization
17 under this section.

18 (f) For purposes of this section:

19 "Medication synchronization" means the coordination of
20 medication refills that are being dispensed by a single
21 contracted pharmacy to an insured patient taking two or more



1 medications for one or more chronic conditions so that the
2 patient's medications are refilled on the same schedule for a
3 given time period.

4 "Unbreakable package" means a medication form or package
5 that is to be dispensed in its original container. The term
6 "unbreakable package" includes but is not limited to eye drops,
7 inhalers, creams, and ointments."

8 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
9 amended by adding a new section to part VI of article 1 to be
10 appropriately designated and to read as follows:

11 "§432:1- Medication synchronization; proration;
12 dispensing fees. (a) Each hospital or medical service plan
13 contract that provides prescription drug coverage in the State
14 shall apply a prorated daily cost-sharing rate to prescriptions
15 that are dispensed by a network pharmacy for less than a thirty-
16 day supply for the purpose of medication synchronization;
17 provided that the member patient requests or agrees to less than
18 a thirty-day supply.

19 (b) For the purposes of medication synchronization under
20 this section, the mutual benefit society that provides
21 prescription drug coverage shall:



1 (1) Not deny coverage for the dispensing of a maintenance
2 medication that is dispensed by a network pharmacy on
3 the basis that the dispensed amount is a partial
4 supply and the member patient requests or agrees to a
5 partial supply; and

6 (2) Authorize a network pharmacy to override any denial
7 codes indicating that a prescription is being refilled
8 too soon.

9 (c) No plan contract providing prescription drug coverage
10 shall use payment structures incorporating prorated dispensing
11 fees. Dispensing fees for partially filled or refilled
12 prescriptions shall be paid in full for each prescription
13 dispensed, regardless of any prorated copayment for the
14 beneficiary or fee paid for medication synchronization services.

15 (d) A network pharmacy shall identify an anchor
16 prescription to which all other prescriptions may be subject to
17 medication synchronization; provided that any medication
18 dispensed in an unbreakable package shall not be considered the
19 anchor prescription for purposes of this section.

20 (e) No schedule II narcotic controlled substance listed in
21 section 329-16 shall be eligible for medication synchronization.



1 (f) For purposes of this section:

2 "Medication synchronization" means the coordination of
3 medication refills that are being dispensed by a single
4 contracted pharmacy to a member patient taking two or more
5 medications for one or more chronic conditions so that the
6 patient's medications are refilled on the same schedule for a
7 given time period.

8 "Unbreakable package" means a medication form or package
9 that is to be dispensed in its original container. The term
10 "unbreakable package" includes but is not limited to eye drops,
11 inhalers, creams, and ointments."

12 SECTION 4. Chapter 432D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§432D- Medication synchronization; proration;
16 dispensing fees. (a) Each health maintenance organization
17 policy, contract, plan, or agreement that provides prescription
18 drug coverage in the State shall apply a prorated daily cost-
19 sharing rate to prescriptions that are dispensed by a network
20 pharmacy for less than a thirty-day supply for the purpose of



1 medication synchronization; provided that the enrollee patient
2 requests or agrees to less than a thirty-day supply.

3 (b) For the purposes of medication synchronization under
4 this section, the health maintenance organization that provides
5 prescription drug coverage shall:

6 (1) Not deny coverage for the dispensing of a maintenance
7 medication that is dispensed by a network pharmacy on
8 the basis that the dispensed amount is a partial
9 supply and the enrollee patient requests or agrees to
10 a partial supply; and

11 (2) Authorize a network pharmacy to override any denial
12 codes indicating that a prescription is being refilled
13 too soon.

14 (c) No policy, contract, plan, or agreement providing
15 prescription drug coverage shall use payment structures
16 incorporating prorated dispensing fees. Dispensing fees for
17 partially filled or refilled prescriptions shall be paid in full
18 for each prescription dispensed, regardless of any prorated
19 copayment for the beneficiary or fee paid for medication
20 synchronization services.



1 (d) A network pharmacy shall identify an anchor
2 prescription to which all other prescriptions may be subject to
3 medication synchronization; provided that any medication
4 dispensed in an unbreakable package shall not be considered the
5 anchor prescription for purposes of this section.

6 (e) No schedule II narcotic controlled substance listed in
7 section 329-16 shall be eligible for medication synchronization.

8 (f) For purposes of this section:

9 "Medication synchronization" means the coordination of
10 medication refills that are being dispensed by a single
11 contracted pharmacy to an enrollee patient taking two or more
12 medications for one or more chronic conditions so that the
13 patient's medications are refilled on the same schedule for a
14 given time period.

15 "Unbreakable package" means a medication form or package
16 that is to be dispensed in its original container. The term
17 "unbreakable package" includes but is not limited to eye drops,
18 inhalers, creams, and ointments."

19 SECTION 5. Section 461-1, Hawaii Revised Statutes, is
20 amended by amending the definition of "practice of pharmacy" to
21 read as follows:



1 "Practice of pharmacy" means:

- 2 (1) The interpretation and evaluation of prescription
3 orders; the compounding, dispensing, and labeling of
4 drugs and devices (except labeling by a manufacturer,
5 packer, or distributor of nonprescription drugs and
6 commercially legend drugs and devices); the
7 participation in drug selection and drug utilization
8 reviews; the proper and safe storage of drugs and
9 devices and the maintenance of proper records
10 therefor; the responsibility for advising when
11 necessary or where regulated, of therapeutic values,
12 content, hazards, and use of drugs and devices; and
13 the interpretation and evaluation of prescription
14 orders to adjust the supply dispensed for purposes of
15 medication synchronization pursuant to section
16 431:10A- , 432:1- , or 432D- ;
17 (2) Performing the following procedures or functions as
18 part of the care provided by and in concurrence with a
19 "health care facility" and "health care service" as
20 defined in section 323D-2, or a "pharmacy" or a
21 licensed physician or a licensed advanced practice



1 registered nurse with prescriptive authority, or a
2 "managed care plan" as defined in section 432E-1, in
3 accordance with policies, procedures, or protocols
4 developed collaboratively by health professionals,
5 including physicians and surgeons, pharmacists, and
6 registered nurses, and for which a pharmacist has
7 received appropriate training required by these
8 policies, procedures, or protocols:

- 9 (A) Ordering or performing routine drug therapy
10 related patient assessment procedures;
11 (B) Ordering drug therapy related laboratory tests;
12 (C) Initiating emergency contraception oral drug
13 therapy in accordance with a written
14 collaborative agreement approved by the board,
15 between a licensed physician or advanced practice
16 registered nurse with prescriptive authority and
17 a pharmacist who has received appropriate
18 training that includes programs approved by the
19 American Council of Pharmaceutical Education
20 (ACPE), curriculum-based programs from an ACPE-
21 accredited college of pharmacy, state or local



1 health department programs, or programs
2 recognized by the board of pharmacy;
3 (D) Administering drugs orally, topically, by
4 intranasal delivery, or by injection, pursuant to
5 the order of the patient's licensed physician or
6 advanced practice registered nurse with
7 prescriptive authority, by a pharmacist having
8 appropriate training that includes programs
9 approved by the ACPE, curriculum-based programs
10 from an ACPE-accredited college of pharmacy,
11 state or local health department programs, or
12 programs recognized by the board of pharmacy;
13 (E) Administering:
14 (i) Immunizations orally, by injection, or by
15 intranasal delivery, to persons eighteen
16 years of age or older by a pharmacist having
17 appropriate training that includes programs
18 approved by the ACPE, curriculum-based
19 programs from an ACPE-accredited college of
20 pharmacy, state or local health department



1 programs, or programs recognized by the
2 board of pharmacy;

3 (ii) Vaccines to persons between fourteen and
4 seventeen years of age pursuant to section
5 461-11.4; and

6 (iii) Human papillomavirus, Tdap (tetanus,
7 diphtheria, pertussis), meningococcal, and
8 influenza vaccines to persons between eleven
9 and seventeen years of age pursuant to
10 section 461-11.4;

11 (F) As authorized by the written instructions of a
12 licensed physician or advanced practice
13 registered nurse with prescriptive authority,
14 initiating or adjusting the drug regimen of a
15 patient pursuant to an order or authorization
16 made by the patient's licensed physician or
17 advanced practice registered nurse with
18 prescriptive authority and related to the
19 condition for which the patient has been seen by
20 the licensed physician or advanced practice
21 registered nurse with prescriptive authority;



1 provided that the pharmacist shall issue written
2 notification to the patient's licensed physician
3 or advanced practice registered nurse with
4 prescriptive authority or enter the appropriate
5 information in an electronic patient record
6 system shared by the licensed physician or
7 advanced practice registered nurse with
8 prescriptive authority, within twenty-four hours;

9 (G) Transmitting a valid prescription to another
10 pharmacist for the purpose of filling or
11 dispensing;

12 (H) Providing consultation, information, or education
13 to patients and health care professionals based
14 on the pharmacist's training and for which no
15 other licensure is required; or

16 (I) Dispensing an opioid antagonist in accordance
17 with a written collaborative agreement approved
18 by the board, between a licensed physician and a
19 pharmacist who has received appropriate training
20 that includes programs approved by the ACPE,
21 curriculum-based programs from an ACPE-accredited



- 1 college of pharmacy, state or local health
2 department programs, or programs recognized by
3 the board;
- 4 (3) The offering or performing of those acts, services,
5 operations, or transactions necessary in the conduct,
6 operation, management, and control of pharmacy; and
7 (4) Prescribing and dispensing contraceptive supplies
8 pursuant to section 461-11.6."

9 SECTION 6. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2018.

APPROVED this 10 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 2145, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



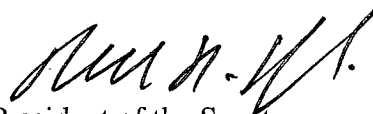
Brian L. Takeshita
Chief Clerk
House of Representatives

H.B. No. 2145, H.D. 1, S.D. 1, C.D. 1

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.



President of the Senate



Clerk of the Senate