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PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, April 4, 2018  
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2646, S.D. 1, H.D. 2, RELATING TO  
PRESCRIPTION DRUGS.**

TO THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 2646, S.D. 1, H.D. 2, Relating to Prescription Drugs. My name is Daria Loy-Goto, and I am the Complaints and Enforcement Officer for the Department’s Regulated Industries Complaints Office (“RICO”). RICO takes no position on this bill and offers the following enforcement-related comments.

S.B. 2646, S.D. 1, H.D. 2 amends Hawaii Revised Statutes (“HRS”) chapter 329 to require prescribers to consult the State’s Electronic Prescription Accountability System prior to writing prescriptions for controlled substances in certain circumstances. The bill also subjects a prescriber who fails to consult the Electronic Prescription Accountability System under certain circumstances to professional discipline.

Section 2, §329- (d) on page 4, lines 1-4 of the bill references specific statutes that “may result in disciplinary action under sections 448-17, 453-8, 457-12, or 471-10.” RICO requests the language be amended to read “(d) A violation of this section shall

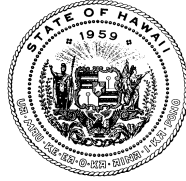
Senate Bill No. 2646, S.D. 1, H.D. 2

April 4, 2018

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not be subject to the penalty provisions of part IV of chapter 329; provided that a violation of this section may result in disciplinary action **by the appropriate licensing authority.**"

Thank you for the opportunity to testify on S.B. 2646, S.D. 1, H.D. 2. I am available to answer any questions the Committee may have.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony COMMENTING on SB 2646 HD 2  
RELATING TO PRESCRIPTION DRUGS**

REPRESENTATIVE SCOTT Y. NISHIMOTO, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date: April 4, 2018

Room Number: 325

1 **Fiscal Implications:** Undetermined

2 **Department Testimony:** The Department of Health (DOH) supports this bill to require  
3 prescribers to use the electronic prescription accountability system also known as the  
4 Prescription Drug Monitoring Program (PDMP) of the Department of Public Safety (PSD)  
5 before writing prescriptions for certain narcotics.

6 This measure aligns with the following prescriber education and pain management  
7 practice objectives of the Hawaii Opioid Action Plan, developed by the Governor's Opioid and  
8 Substance Misuse Initiative:

- 9
- 10 • Objective 2-1: "By December 2018, increase primary care provider PDMP  
11 registration rates by twenty-five percent by providing training to prescribers;"
  - 12 • Objective 2-1a: "By December 2018, increase prescriber PDMP utilization rates by  
13 ten percent;" and
  - 14 • Objective 3-2: "By September 2018, develop a standardized framework for the  
15 collection, synthesis, and dissemination of data."

16 The DOH also respectfully submits the following statistics:

- 17 • Forty-nine states have an operational PDMP;
- 18 • Thirty-six states have laws in place to require use of state PDMP; and
- Forty-four states have laws in place that allow delegates to use the PDMP.

1 The federal Centers for Disease Control highlights the following examples from Florida,  
2 New York, and Tennessee to illustrate the association between the enactment of state-level  
3 PDMP policy enactments and changes in prescribing behavior

4 (<https://www.cdc.gov/drugoverdose/policy/successes.html>):

5 Florida

- 6 • 2010 Action: Regulated pain clinics and stopped health care providers from  
7 dispensing prescription opioid pain relievers from their offices, in combination with  
8 establishing a PDMP.
- 9 • 2012 Result: Saw more than fifty percent decrease in oxycodone overdose deaths.  
10 These changes might represent the first documented substantial decline in drug  
11 overdose mortality in any state during the previous ten years.

12 New York

- 13 • 2012 Action: Required prescribers to check the state's PDMP before prescribing  
14 opioids.
- 15 • 2013 Result: Saw a seventy-five percent drop in patients seeing multiple prescribers  
16 for the same drugs.

17 Tennessee

- 18 • 2012 Action: Required prescribers to check the state's PDMP before prescribing  
19 painkillers.
- 20 • 2013 Result: Saw a thirty-six percent decline in patients seeing multiple prescribers  
21 for the same drugs.

22 Additionally, the National Governor's Association, the Center for Disease Control, the  
23 Substance Abuse and Mental Health Administration, and other national entities recommend that  
24 states mandate the use of the PDMP for certain controlled substances. Additionally, despite a  
25 registration mandate in Hawaii (like other states) the actual review of the PDMP by prescribers  
26 prior to writing a prescription has not increased because of registration. Finally, Hawaii already  
27 allows delegation by prescribers to support staff to access the PDMP on their behalf to reduce the  
28 time burden to the actual prescriber/practitioner.

1           The DOH is aware that while mandates are less preferable to voluntary compliance, this  
2 measure will nonetheless achieve the results of Objectives 2-1 and 2-1a of the Hawaii Opioid  
3 Action Plan and as noted above have had compelling positive impact in other states.

4           The DOH supports a balanced implementation of this measure and supports the  
5 exemption and amendment as indicated in the HD 2 version.

6           The DOH also defers to the PSD on the regulation and implementation of the proposed  
7 amendments to the Hawaii Uniform Controlled Substances Act.

8           Thank you for the opportunity to provide testimony.



An Independent Licensee of the Blue Cross and Blue Shield Association

April 4, 2018

The Honorable Scott Y. Nishimoto, Chair  
The Honorable Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

Re: SB 2646, SD1, HD2 – Relating to Prescription Drugs

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in **support** of SB 2646, SD1, HD2 which requires prescribers of certain controlled substances to consult the electronic prescription accountability system before issuing a prescription for the controlled substance, and provides exemptions for certain circumstances. Additionally, SB 2646, SD1, HD2 clarifies that a violation by a prescriber shall not be subject to criminal penalty provisions but that a violation may be grounds for professional discipline pursuant to sections 448-17, 453-8, 457-12, and 471-10 Hawaii Revised Statutes. HMSA supports the intent of this Bill, to reduce the access of the public to potentially addictive substances.

Thank you for the opportunity to testify in support of this measure.

Sincerely,

Pono Chong  
Vice-President, Government Relations

## **SB2646 SD1 Pharmacists Prescribe Opioid Antagonists**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE:

- Representative Roy Takumi, Chair; Representative Linda Ichiyama, Vice Chair
- Wednesday, March 21, 2018 2:15 pm
- Conference Room 329

### **Hawaii Substance Abuse Coalition (HSAC) Supports SB2646 SD1 and Recommendations by HMA:**

*GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of almost 40 alcohol and drug treatment and prevention agencies.*

#### **COMMENTS:**

While HSAC supports the use of PDMP before prescribing opioid medications, we defer to Hawaii Medical Association (HMA) and HMSA for their recommendations to change our over medicated culture through education, information and progressive discipline rather than more strict punitive measures. We support testimony to limit this bill to 7-day or more prescriptions and have an exemption for post-surgical care and support that a violation by a prescriber shall not be subject to criminal penalty provisions but that a violation may be grounds for professional discipline pursuant to section 453-8 or 457-12, HRS.

#### **SUPPORT:**

The Hawaii Opioid Action Plan (Plan), the collaborative gathering of about 150 political, government, insurers and providers, including HSAC members, developed plans that included doctors using PDMP before prescribing as a means to better control excess prescriptions to opioid patients.

- Studies indicate that PDMPs are effective for improving clinical decision-making, reducing doctor-shopping, and diverting controlled substance in efforts to curb the opioid use epidemic.<sup>1</sup>
- The need is great because addiction to narcotic pain relievers is rising dramatically across the U.S.
- PDMPs play an essential role as important resources for good information that is crucial for providing good medical care.
- The economic benefits far exceed the costs of operation.

We came together with so many, accomplishing so much in a short time because we are cognizant of the impending crisis due to Hawaii's opioid misuse and high overdose.

We appreciate the opportunity to provide testimony and are available for questions.

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<sup>1</sup> Briefing on PDMP Effectiveness, Bureau of Justice Assistance, September 2014.  
[http://www.pdmpassist.org/pdf/COE\\_documents/Add\\_to\\_TTAC/Briefing%20on%20PDMP%20Effective-ness%203rd%20revision.pdf](http://www.pdmpassist.org/pdf/COE_documents/Add_to_TTAC/Briefing%20on%20PDMP%20Effectiveness%203rd%20revision.pdf)



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2646, SENATE DRAFT 1, HOUSE DRAFT 2  
RELATING TO PRESCRIPTION DRUGS

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, April 4, 2018; 2:00 p.m.  
State Capitol, Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2646, Senate Draft (SD) 1, House Draft (HD) 2, which would require prescribers of certain controlled substances to consult the electronic prescription monitoring accountability system before issuing a prescription for a controlled substance. PSD offers the following comments.

First, PSD has collaborated closely with the Department of Health (DOH) and other government and private stakeholders to create Hawai'i's Opioid Action Plan. One of the plan's goals is to increase the number of practitioners who use the electronic prescription accountability system, otherwise known as the Prescription Drug Monitoring Program (PDMP). PSD supports SB 2646, SD 1, HD 2, as this would significantly increase the number of PDMP users.

Second, PSD is aware of several states that have mandated the use of the PDMP before the prescription of controlled substances. According to information from the DOH, 36 states currently have laws in place requiring the use of the PDMP. Those states have significantly reduced the effects of opioids.

Thank you for the opportunity to testify on this measure.





**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**LATE**

**HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325  
WEDNESDAY, APRIL 4, 2018 AT 2:00 P.M.**

To The Honorable Scott Y. Nishimoto, Chair;  
The Honorable Joy A. San Buenaventura, Vice Chair; and  
Members of Committee on Judiciary;

**TESTIMONY ON SB2646 RELATING TO PRESCRIPTION DRUGS**

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce. We would like to provide comments on SB2646 in its current form.

We as a Chamber are hearing there is a rising cost of healthcare and a growing opioid addiction challenge. One of the factors that has been identified as contributing to the opioid epidemic is over prescribing because individuals can go to multiple doctors, the doctor may not know what others have prescribed and a patient could have multiple opioid prescriptions. This is dramatically increasing healthcare coverage for all because of the cost of the prescription drugs and at a time when we are looking at healthcare coverage and rising costs for both businesses and employees (especially in Hawaii), we have to look at things to address challenges with opioid addiction and how to bring healthcare costs down. This bill is a positive step forward.

We have read and heard concerns with who can access and get requests and issues dealing with specific high-level treatments such as cancer patients in pain. We want to lend our support for this concept and keep this issue moving forward for discussion so that a winning solution can be achieved. We are encouraged by the general support for this bill by physician groups, insurer groups, etc. and given the cost of business, we feel it is important to share our comments as well. Given the growing challenges, it is important that we come up with a solution and we would like to see this bill passed so the discussion continues.

Sincerely,

*Pamela Tumpap*

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.