



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2019

GOV. MSG. NO. 1353

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth 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 5, 2019, the following bill was signed into law:

HB665 HD2 SD1 CD1

RELATING TO THE ELECTRONIC
PRESCRIPTION ACCOUNTABILITY SYSTEM.
ACT 251 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

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

1 SECTION 1. The legislature finds that Act 153, Session
2 Laws of Hawaii 2018, requires all prescribers of controlled
3 substances to query the electronic prescription accountability
4 system, prior to issuing a prescription for certain controlled
5 substances, to reduce the risk of abuse of or addiction to a
6 controlled substance. The electronic prescription
7 accountability system, also known as the prescription drug
8 monitoring program, is a useful tool for health care providers
9 when determining which controlled substances a patient has been
10 prescribed.

11 The legislature notes that although prescribers have taken
12 steps to implement this law, some concerns have been raised
13 about the applicability of the law to certain patient
14 populations. The legislature believes that the law should not
15 apply in inpatient settings, where a patient is in a hospital or
16 nursing home and is directly administered a prescription under
17 the supervision of a health care provider. The law should also

18



1 not apply to initial prescriptions for patients being treated
2 for post-operative pain with a limited three-day supply, which
3 is consistent with a 2016 recommendation on acute pain
4 management by the federal Centers for Disease Control and
5 Prevention. An exemption for hospice patients is also
6 appropriate to reduce barriers to this end-of-life choice. By
7 definition, a patient electing hospice typically has only six
8 months or less to live. Therefore, requiring a health care
9 provider to consult the electronic prescription accountability
10 system under these circumstances may cause a delay in the
11 provision of appropriate care to the patient.

12 The purpose of this Act is to specify that a health care
13 provider shall not be required to consult the electronic
14 prescription accountability system when a patient is in an
15 inpatient setting, in post-operative care, or has a terminal
16 disease and is receiving hospice or other palliative care.

17 SECTION 2. Section 329-38.2 Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) No prescriber shall prescribe a schedule II, III, or
20 IV controlled substance without first requesting, receiving, and
21 considering records of the ultimate user from the state



1 electronic prescription accountability system as needed to
2 reduce the risk of abuse of or addiction to a controlled
3 substance, as needed to avoid harmful drug interactions, or as
4 otherwise medically necessary; provided that this subsection
5 shall not apply to~~[+]~~ any prescription:

6 (1) ~~[Any prescription for]~~ For a supply of three days or
7 less that is made in an emergency situation, by an
8 emergency medical provider, or in an emergency room;
9 [and]

10 (2) ~~[Any prescription written]~~ That will be administered
11 directly to a patient under the supervision of a
12 health care provider licensed to practice within the
13 State; provided that a medically-indicated query of
14 the electronic prescription accountability system is
15 made when the patient is initially admitted for
16 inpatient care at a hospital;

17 (3) That is an initial prescription for a patient being
18 treated for post-operative pain; provided that the
19 prescription is limited to a three-day supply with no
20 refills;

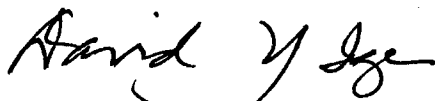


- 1 (4) For a patient with a terminal disease receiving
2 hospice or other types of palliative care; provided
3 that for purposes of this paragraph, "terminal
4 disease" means an incurable and irreversible disease
5 that will, within reasonable medical judgment, produce
6 death within six months; or
7 (5) Prescribed while the state electronic prescription
8 accountability system is nonfunctional."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2019.

APPROVED this 05 day of JUL , 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 665, HD 2, SD 1, CD 1

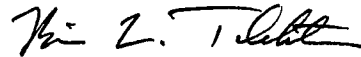
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

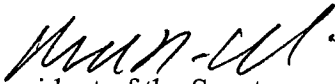



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate