
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. First, the legislature believes that the law
15 should not apply in inpatient settings, where a patient is in a
16 hospital or nursing home and is directly administered a
17 prescription under the supervision of a health care provider.



1 Second, the law should not apply to initial prescriptions for
2 patients being treated for post-operative pain with a limited
3 three-day supply, which is consistent with a 2016 recommendation
4 on acute pain management by the Centers for Disease Control and
5 Prevention. Finally, an exemption for hospice patients is
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 legislature additionally finds that existing law
13 requires prescribing health care providers to adopt and maintain
14 informed consent policies for opioid therapy patients.
15 Providers have since adopted these policies; however, concerns
16 have been raised about requiring a patient to complete the
17 informed consent process in certain situations, such as where
18 the patient is in intensive care, is being monitored, or
19 otherwise lacks the capacity to provide consent.

20 The purpose of this Act is to:



- 1 (1) Specify that a health care provider shall not be
2 required to consult the electronic prescription
3 accountability system when a patient is in an
4 inpatient setting, in post-operative care, or in
5 hospice care; and
- 6 (2) Clarify that an informed consent agreement is not
7 required for patients who lack capacity to consent and
8 whose prescription will be directly administered at a
9 hospital under the supervision of a health care
10 provider.

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

13 "(b) No prescriber shall prescribe a schedule II, III, or
14 IV controlled substance without first requesting, receiving, and
15 considering records of the ultimate user from the state
16 electronic prescription accountability system as needed to
17 reduce the risk of abuse of or addiction to a controlled
18 substance, as needed to avoid harmful drug interactions, or as
19 otherwise medically necessary; provided that this subsection
20 shall not apply to[+] any prescription:



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

5 (2) [~~Any prescription written~~] That will be administered
6 directly to a patient under the supervision of a
7 health care provider licensed to practice within the
8 State;

9 (3) That is an initial prescription for a patient being
10 treated for post-operative pain; provided that the
11 prescription is limited to a three-day supply with no
12 refills;

13 (4) For a patient receiving hospice care; or

14 (5) Prescribed while the state electronic prescription
15 accountability system is nonfunctional."

16 SECTION 3. Section 329-38.5, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) For the purposes of this section, "qualifying opioid
19 therapy patient" means:

20 (1) A patient requiring opioid treatment for more than
21 three months;



- 1 (2) A patient who is prescribed benzodiazepines and
- 2 opioids together; or
- 3 (3) A patient who is prescribed a dose of opioids that
- 4 exceeds ninety morphine equivalent doses.

5 This term shall not apply to an individual who is receiving
6 treatment at a hospital under the supervision of a licensed
7 health care provider and who lacks capacity as defined in
8 section 327E-2."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Electronic Prescription Accountability System; Opioid Therapy;
Informed Consent Process

Description:

Exempts health care providers from consulting the electronic prescription accountability system when a patient is in an inpatient setting, in post-operative care, or in hospice care. Exempts patients who are in an inpatient setting and lack capacity from the informed consent process for opioid therapy. (HB665 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

