

STAND. COM. REP. NO.

1448

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 665
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 665, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION
ACCOUNTABILITY SYSTEM,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt health care providers from requirements to consult the electronic prescription accountability system when prescribing controlled substances to a patient in an inpatient setting, for post-operative pain, or when prescribed for a patient in hospice care; and
- (2) Clarify that an informed consent agreement is not required for patients who lack capacity and are receiving treatment in a hospital under the supervision of a licensed health care provider.

Your Committee received testimony in support of this measure from the Department of Public Safety; Hawaii Health Systems Corporation; Healthcare Association of Hawaii; The Queen's Health Systems; Kaiser Permanente Hawai'i; Ohana Pacific Management Company, Inc.; and Hawai'i Pacific Health. Your Committee received



comments on this measure from the Hawaii Association for Justice and Drug Policy Forum of Hawaii.

Your Committee finds that the electronic prescription accountability system, commonly known as the prescription drug monitoring system or PDMP, and opioid therapy informed consent process are useful tools to reduce the risk of abuse of or addiction to controlled substances and prevent unintended drug interactions. As medical facilities have begun putting the PDMP and opioid informed consent laws into practice, however, concerns have been raised about how to better address the needs of certain patient populations. Your Committee further finds that patients who are terminally ill and receiving palliative care or who are in an inpatient setting where opioids are administered under direct supervision of a health care provider face a lower risk of opioid abuse compared to opioid users in out-patient settings.

Your Committee has heard the testimony regarding the provision in this measure that removes the need for the opioid therapy informed consent process for certain high-risk opioid patients who are incapacitated and receiving care at a hospital. Your Committee notes that a group of interested stakeholders met and have reached an agreement to remove this language. An amendment to this measure is therefore necessary to reflect this consensus agreement.

Your Committee has amended this measure by:

- (1) Clarifying that the PDMP does not need to be consulted for a patient who is directly administered a drug under the supervision of a licensed health care provider; provided that the PDMP is consulted when the patient is initially admitted for inpatient care at a hospital;
- (2) Clarifying that the PDMP does not need to be consulted when a patient has a terminal disease and is receiving hospice or other palliative care;
- (3) Removing language that would have exempted individuals lacking capacity and receiving treatment at a hospital under the supervision of a licensed health care provider from the opioid therapy informed consent process;



- (4) Inserting an effective date of July 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 665, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 665, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 665, HD2	CPH, JDC	3/17/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOOLE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt				✓
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes