

# S.B. NO. 2917

JAN 23 2020

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## 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. Section 329-104, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) This section shall not prevent the disclosure, at the  
4 discretion of the administrator, of investigative information  
5 to:

6           (1) Law enforcement officers, investigative agents of  
7 federal, state, or county law enforcement or  
8 regulatory agencies, United States attorneys, county  
9 prosecuting attorneys, or the attorney general;  
10 provided that the administrator has reasonable grounds  
11 to believe that the disclosure of any information  
12 collected under this part is in furtherance of an  
13 ongoing criminal or regulatory investigation or  
14 prosecution;

15           (2) Registrants authorized under chapters 448, 453, ~~and~~  
16 463E, and 457-2.7 who are registered to administer,  
17 prescribe, or dispense controlled substances and their

1 practitioner delegate; provided that the information  
2 disclosed relates only to the registrant's own  
3 patient;

4 (3) Pharmacists or pharmacist delegates, employed by a  
5 pharmacy registered under section 329-32, who request  
6 prescription information about a customer [~~relating to~~  
7 ~~a violation or possible violation of this chapter~~];

8 (4) Other state-authorized governmental prescription-  
9 monitoring programs;

10 (5) The chief medical examiner or licensed physician  
11 designee who requests information and certifies the  
12 request is for the purpose of investigating the death  
13 of an individual;

14 (6) Qualified personnel for the purpose of bona fide  
15 research or education; provided that data elements  
16 that would reasonably identify a specific recipient,  
17 prescriber, or dispenser shall be deleted or redacted  
18 from the information prior to disclosure; provided  
19 further that release of the information may be made  
20 only pursuant to a written agreement between qualified  
21 personnel and the administrator in order to ensure  
22 compliance with this subsection;

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1 (7) Other entities or individuals authorized by the  
2 administrator to assist the program with projects that  
3 enhance the electronic prescription accountability  
4 system;

5 (8) Authorized employees of the State of Hawaii department  
6 of health alcohol and drug abuse division and the  
7 emergency medical services and injury prevention  
8 system branch; [~~and~~]

9 (9) The United States Department of Defense health agency  
10 prescription monitoring program[~~-~~];

11 (10) Controlled substances prescribers, dispensers, and  
12 pharmacists of United States Department of Veteran  
13 Affairs facilities within the State who submit data,  
14 as described in section 329-101, to the electronic  
15 prescription accountability system; and

16 (11) Authorized employees of the State of Hawaii department  
17 of human services, med-QUEST division.

18 Information disclosed to a registrant, pharmacist, or authorized  
19 government agency under this section shall be transmitted by a  
20 secure means determined by the designated agency."

21 SECTION 2. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Murphy*

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BY REQUEST

**Report Title:**

Electronic Prescription Accountability System

**Description:**

Updates section 329-104(c), Hawaii Revised Statutes, to clarify who may access information stored in the electronic prescription accountability system.

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

## JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

PURPOSE: Amends section 329-104(c), Hawaii Revised Statutes (HRS), to: (1) clarify that an advanced practice registered nurse and pharmacist may access information stored in the electronic prescription accountability system (EPAS); (2) allow controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veteran's Affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329-101, HRS; and (3) allow authorized employees of the State of Hawaii Department of Human Services, Med-QUEST Division, to access prescription information stored in the EPAS.

MEANS: Amend section 329-104(c), HRS.

JUSTIFICATION: Proposed amendments to section 329-104(c) will accomplish the following:

- (1) Clarify that an advanced practice registered nurse may access prescription information stored in the electronic prescription accountability system;
- (2) Clarify that a pharmacist may access information stored in the electronic prescription accountability system to review prescription information about a customer;
- (3) Allow controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veteran's affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329-101, to access prescription information stored in the

electronic prescription accountability system; and

- (4) Allow authorized employees of the Department of Human Services, Med-QUEST Division to access prescription information stored in the electronic prescription accountability system.

Impact on the public: This bill is intended to aid: (1) advanced practice registered nurses and pharmacists, (2) controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veteran's Affairs facilities in Hawaii, and (3) authorized employees of the Department of Human Services, Med-QUEST Division, by allowing them to access prescription information stored in the electronic prescription accountability system.

Impact on the department and other agencies: These proposed amendments would assist the Department's Narcotics Enforcement Division by clarifying who may access prescription information stored in the electronic prescription accountability system.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES: Hawaii Board of Nursing; United States Department of Veteran Affairs; Department of Human Services, Med-QUEST Division.

EFFECTIVE DATE: Upon approval.