
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 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 further finds that the law should
15 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 The law should also not apply to initial prescriptions for
2 patients being treated for post-operative pain with a limited
3 three-day supply, for consistency with a 2016 Centers for
4 Disease Control and Prevention recommendation on acute pain
5 management. An exemption for patients with a terminal disease
6 who are receiving hospice or other types of palliative care is
7 also appropriate to reduce barriers to this end-of-life choice.
8 Requiring a health care provider to consult the electronic
9 prescription accountability system under these circumstances may
10 cause a delay in the provision of appropriate care to the
11 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, 2050.



Report Title:

Electronic Prescription Accountability System; Exemptions

Description:

Specifies the conditions in which health care providers are not required to consult the electronic prescription accountability system before prescribing controlled substances. (SB807 HD1)

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