

Honolulu, Hawaii

FEB 14 2019

RE: S.B. No. 807

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 S.B. No. 807 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 the requirement to consult the electronic prescription accountability system, commonly known as the prescription drug monitoring program or PDMP, when a patient is in an inpatient or hospital setting or in hospice care; and
- (2) Clarify that an informed consent agreement is not required for patients who lack capacity and are administered controlled substances under the supervision of a licensed health care provider.

Your Committee received testimony in support of this measure from the Department of Health, Department of Public Safety, Hawaii Health Systems Corporation, Healthcare Association of Hawaii, Hawaii Medical Association, Kaiser Permanente Hawai'i, Hawai'i Pacific Health, The Queen's Health Systems, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.



Your Committee finds that the PDMP and informed consent for opioid therapy patients are useful tools to reduce the risk of abuse of or addiction to a controlled substance and prevent unintended drug interactions. However, as prescribers have begun implementing this law, some concerns have been raised about the applicability of the law to certain patient populations. Your Committee notes that in certain settings, such as in an in-patient or hospice setting when a patient is under direct supervision, the need to consult the PDMP is lessened, as compared to situations where a patient is prescribed a controlled substance in an unsupervised or outpatient setting. The need for an informed consent agreement is also reduced when a prescription is directly administered under supervision.

Your Committee further finds that clarifying PDMP and opioid informed consent requirements for inpatient, post-operative, incapacitated, hospice, and palliative care patients will create consistency for providers without compromising the effectiveness of the PDMP and opioid informed consent laws.

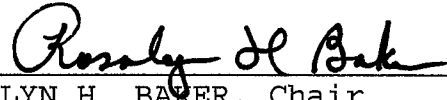
Your Committee has amended this measure by:

- (1) Clarifying that the PDMP does not need to be consulted:
 - (A) 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;
 - (B) When a patient is in post-operative care; provided that the prescription is limited to a three-day supply;
 - (C) When a patient has a terminal disease and is receiving hospice or other palliative care; and
 - (D) When a prescription is prescribed while the PDMP is nonfunctional; and
- (2) 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 S.B. No. 807, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 807, 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. BARER, 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:
SB 807	CPH, JDC	1/30/19
<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)	✓	
KEOHOKALOLE, Jarrett	✓	
NISHIHARA, Clarence K.	✓	
RUDERMAN, Russell E.	✓	
THIELEN, Laura H.	✓	
FEVELLA, Kurt	✓	
TOTAL	7	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

*Only one measure per Record of Votes