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TESTIMONY ON SENATE BILL 2917, SENATE DRAFT 1
RELATING TO ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

by
Nolan P. Espinda, Director

House Committee on Health
Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Thursday, March 12, 2020; 9:00 a.m.
State Capitol, Auditorium

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2917, Senate Draft (SD) 1, which updates section 329-104(c), Hawaii Revised Statutes, to clarify who may access information stored in the electronic prescription accountability system (EPAS), more commonly known as the Prescription Drug Monitoring Program (PDMP).

PSD supports SB 2917, SD 1, for several important reasons. First, and most importantly, this measure aligns with the goals of the Hawaii Opioid Initiative. Second, SB 2917, SD 1 clarifies that an advance practice registered nurse (APRN) can access information in the PDMP.

Third, SB 2917, SD 1 clarifies that a pharmacist may access the PDMP to check for information regarding a customer being served. Currently, pharmacists may query a customer in the PDMP only when they suspect that a violation of law is occurring. The ability for a pharmacist to check the PDMP before dispensing a controlled substance, without first suspecting a violation of the law, is best practice.

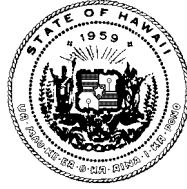
Fourth, SB 2917, SD 1 would allow authorized employees of the State Department of Human Services, Med-Quest Program, which manages the federal Medicaid Program in Hawaii, to access the PDMP. Med-Quest access to the PDMP provides additional checks and balances to ensure appropriate billing for services, appropriate prescribing, and treatment access for

Medicaid members. Further, the federal Medicaid Program has instituted new efforts to combat the nationwide opioid program. Together, PSD has been working closely with the State Med-Quest Office, and allowing Med-Quest access to the PDMP is another step forward in this collaborative effort.

Finally, SB 2917, SD 1 would allow licensed healthcare providers or delegates of such providers employed by the United States Department of Veteran's Affairs to access the PDMP. On January 29, 2020, PSD was notified that the federal government passed a new law called the "Mission Act," which requires that every state provide access to their PDMPs for Department of Veteran's Affairs licensed healthcare providers, and their delegates, without exception. This proposed section will make Hawaii's law consistent with federal law.

Thank you for the opportunity to testify on this measure.

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March 11, 2020

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2917 SD1 – RELATING TO THE ELECTRONIC PRESCRIPTION
ACCOUNTABILITY SYSTEM**

Hearing: March 12, 2020, 9:00 a.m.
Auditorium, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill. DHS appreciates the amendments made by the Senate Committees on Commerce, Consumer Protection, and Health and Human Services.

PURPOSE: The purpose of this bill is to update section 329-104(c), Hawaii Revised Statutes, to clarify who may access information stored in the electronic prescription accountability system.

Adding authorized employees of DHS Med-QUEST Division to the list of individuals who may receive investigative information from the electronic prescription accountability system will enhance DHS clinical and program integrity efforts. This is in alignment with the Hawaii Opioid Action Plan to address the problems of opioid misuse and abuse as well as addressing the needs for substance use disorder (SUD) treatment.

With access to this information, DHS would be able to find prescribers and members that circumvent our current system of checks in place. DHS is presently limited in how it can identify prescribers that write prescriptions for some medications, but then instruct Medicaid beneficiaries to pay cash when they go to the pharmacy as a way for the prescriber to evade

the strict prescribing guidelines that we have in place. DHS is also limited in how it can identify beneficiaries that get prescriptions from multiple prescribers through doctor shopping. While prescribers should be checking the electronic prescription accountability system for prescribing to these individuals, sometimes beneficiaries are still able to slip through the system. If DHS had access to the electronic prescription accountability system, then we could take action against bad actors and reach out to beneficiaries that have SUD treatment needs.

Giving Med-QUEST employees access could also help bring additional federal dollars to the electronic prescription accountability system. According to federal rules, states can receive up to 90 percent of the cost to build or enhance IT systems from the federal government that benefit state Medicaid programs. To access this funding, there must be a direct link between the Medicaid program and the electronic prescription accountability system. The language of this bill establishes that link and will help the state claim additional federal dollars for continued improvements to the system.

Thank you for the opportunity to testify on this bill.