



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 4, 2020

TO: The Honorable Senator Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Senator Russell E. Ruderman, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

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

Hearing: February 7, 2020, 2:45 p.m.
Conference Room 016, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) supports this bill.

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.

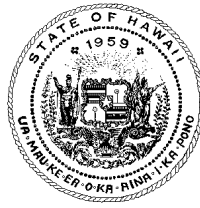
With access to this information, DHS would be able to find prescribers and members that circumvent our current system of checks in place. DHS is presently limited in how it can identify prescribers that write prescriptions for some medications, but then instruct Medicaid

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.

DAVID Y. IGE
GOVERNOR



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

by
Nolan P. Espinda, Director

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Senate Committee on Human Services
Senator Russell E. Ruderman, Chair
Senator Karl Rhoads, Vice Chair

Thursday, February 7, 2020; 2:45 p.m.
State Capitol, Conference Room 016

Chairs Baker and Ruderman, Vice Chairs Chang and Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2917, 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). The department also requests an amendment to subsection 10 on page 3, line 11 – 15, which will be explained below.

PSD supports SB 2917 for several important reasons, the most important being that this measure aligns with the goals of the Hawaii Opioid Initiative. First, SB 2917 clarifies that an advance practice registered nurse (APRN) has the authority to access information stored on the PDMP. APRNs are already mandated to use the PDMP when they prescribe controlled substances in certain situations.

Second, SB 2917 clarifies that a pharmacist may access the PDMP to check for information regarding a customer being serving. 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 for every pharmacist.

Third, SB 2917 would allow authorized employees of the State Department of Human Services, Med-Quest Program, which manages the federal Medicaid Program in Hawaii, to access information in the PDMP. Allowing Med-Quest access 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 problem. As a result, PSD has been working closely with the State Med-Quest Office to cooperatively combat the national opioid problem.

Finally, PSD respectfully requests an amendment to Section 1, page 3, lines 11 - 15 as follows:

(10) ~~Controlled substances prescribers, dispensers, and pharmacists of~~
~~Licensed healthcare providers or delegates of such providers employed~~
~~by the United States Department of Veteran Affairs facilities within the~~
~~State who submit data, as described in section 329-101, to the electronic~~
~~prescription accountability system;~~

This revision is requested because 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 amendment is recommended to be consistent with this new federal law.

Thank you for the opportunity to testify on this measure.



**Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection, and Health
and Committee on Human Services
Friday, February 7, 2020 at 2:45 PM
by
Laura Reichhardt, MS, AGNP-C, APRN
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

WRITTEN COMMENTS on SB2917

Chairs Baker and Ruderman, Vice Chairs Chang and Rhoads, and members of the Committee on Commerce, Consumer Protection, and Health, and members of the Committee on Human Services, thank you for hearing the measure SB2917 which updates section 329-104(c) to clarify who may access information stored in the electronic prescription accountability system.

The Hawai'i State Center for Nursing supports efforts to improve electronic prescription accountability and the public safety as it relates to controlled substances. Additionally, the Center asks the Committees to consider revising the reference to advanced practice registered nurses (APRNs) in this measure, to Chapter 457 in its entirety, instead of the specific section, 457-2.7. The Nurse Practice Act has more provisions that regulate APRN practice than just 457-2.7 and the standard for referring to other professionals in this section is to refer back to the provider's practice act.

Amended language recommended to the Committees:

Page 1, line 16:

(2) Registrants authorized under chapters 448, 453, [~~and~~] 463E, and 457, who are registered to administer, prescribe, or dispense controlled substances and their practitioner delegate; provided that the information disclosed relates only to the registrant's own patient;

APRNs have more than doubled in number since 2005, and thanks to the wisdom and advocacy of the Hawai'i Legislature, have been authorized to work to the full extent of their education and training and prescribe medications for nearly a decade. Today, over 85% of APRNs in this state hold prescriptive authority and 42% report caring for patients in their typical week who have opioid addiction or dependency.¹

Thank you for the opportunity to provide written comments related to the description of APRNs in this measure and for your dedication to the health and wellness of all communities across the state.

¹ Hawai'i State Center for Nursing (2019). *Hawai'i Nursing Workforce Supply 2019 Data Tables*.

The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.

SB-2917

Submitted on: 2/5/2020 8:47:40 PM

Testimony for CPH on 2/7/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Support	No

Comments:

SB-2917

Submitted on: 2/6/2020 4:56:21 AM

Testimony for CPH on 2/7/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Yokouchi	Individual	Support	No

Comments: