## <u>S</u>.B. NO. <u>1191</u>

#### JAN 2 7 **2021**

## 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 discretion of the administrator, of investigative information 4 5 to: 6 (1) Law enforcement officers, investigative agents of federal, state, or county law enforcement or 7 regulatory agencies, United States attorneys, county 8 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 prosecution; 14 Registrants authorized under chapters 448, 453, and 15 (2)

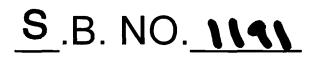
463E and section 457-2.7 who are registered to
administer, prescribe, or dispense controlled

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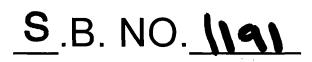
1		substances and their practitioner delegate; provided
2		that the information disclosed relates only to the
3		registrant's own patient;
4	(3)	Pharmacists or pharmacist delegates, employed by a
5		pharmacy registered under section 329-32, who request
6		prescription information about a customer [relating 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; [ <del>and</del> ]
9	(9)	The United States Department of Defense health agency
10		prescription monitoring program[+];
11	(10)	Authorized employees of the State of Hawaii, department
12		of human services, med-QUEST division; and
13	(11)	Controlled substances prescribers, dispensers, and
14		pharmacists of the United States Department of
15		Veterans Affairs facilities within the State who
16		submit data, as described in section 329-101, to the
17		electronic prescription accountability system.
18	Informati	on disclosed to a registrant, pharmacist, or authorized
19	governmen	t agency under this section shall be transmitted by a
20	secure me	ans determined by the designated agency."
21	SECT	ION 2. Statutory material to be repealed is bracketed
22	and stric	ken. New statutory material is underscored.
23		



1	SECTION	3.	This A	Act	shall	take	effect	upon	its	approva	1.
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#### Report Title:

Electronic Prescription Accountability System

#### Description:

Updates chapter 329, 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.

## SB. NO. **\\**

#### JUSTIFICATION SHEET

#### DEPARTMENT: Public Safety

- TITLE: A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.
- PURPOSE: To amend section 329-104, Hawaii Revised Statutes (HRS), to: (1) clarify that an advanced practice registered nurse or pharmacist may access information stored in the electronic prescription accountability system (EPAS); (2) allow authorized employees of the State of Hawaii Department of Human Services, Med-QUEST division to access EPAS information; and (3) allow controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329-101, HRS, to access prescription information stored in the EPAS.

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

JUSTIFICATION: Proposed amendments to chapter 329 will accomplish the following:

- 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; and
- Allow authorized employees of the State of Hawaii Department of Human Services, Med-QUEST Division, as well as, controlled substances prescribers, dispensers, and pharmacists employed by

United States Department of Veterans Affairs facilities in Hawaii, who submit data of dispensing activity as described in chapter 329-101, to access prescription information stored in the electronic prescription accountability system.

Impact on the public: This bill is intended to aid advanced practice registered nurses, pharmacists, Med-QUEST staff, and controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii in accessing up-to-date and accurate prescription information stored in the electronic prescription accountability system to better serve their patients and clients.

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 and assist advanced practice registered nurses and pharmacists, the Department of Human Services Med-QUEST Division, and the U.S. Department of Veterans Affairs in aiding their patients and clients.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES:

Hawaii Board of Nursing, Department of Human Services Med-QUEST Division, United States Department of Veterans Affairs.

EFFECTIVE DATE: Upon approval.