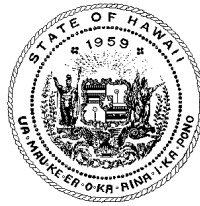


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No. _____

TESTIMONY ON SENATE BILL 1191, SENATE DRAFT 1
RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

By
Max N. Otani, Director

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

Wednesday, February 24, 2021; 9:30 a.m.
Via Videoconference

Chair Baker, Vice Chair Chang, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 1191, Senate Draft (SD) 1, which updates Section 329-104(c), Hawaii Revised Statutes (HRS), to clarify that Advance Practice Registered Nurses (APRN), Pharmacists checking for information while serving a customer, authorized staff of the Department of Human Services MedQuest program, and controlled substances prescribers, dispensers, and pharmacists employed by the United States Department of Veterans Affairs, who submit data may access information stored in the electronic prescription accountability system (EPAS), more commonly known as the Prescription Drug Monitoring Program (PDMP).

The impetus for this measure is to align with and support the goals of the Hawaii Opioid Initiative. APRNs are already mandated to use the PDMP when they prescribe controlled substances in certain situations, and SB 1191, SD 1 provides clarification of that authority.

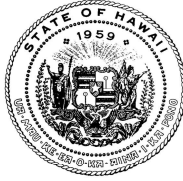
In addition, the measure clarifies that a pharmacist may access the PDMP to check for information regarding a customer being serving. Currently, pharmacists may query a customer in the PDMP only when they suspect that a violation of law is

occurring. This bill would enable pharmacists to check the PDMP before dispensing a controlled substance, which is recognized as a best practice for every pharmacist.

SB 1191, SD 1 would also allow authorized employees of the State Department of Human Services MedQuest Program, which manages the federal Medicaid Program in Hawaii, to access information in the PDMP. Allowing MedQuest staff to access the PDMP would provide 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, and PSD has been working closely with the State MedQuest Office in Hawaii to combat the nationally recognized opioid problem.

Finally, SB 1191, SD 1 proposes to allow controlled substances prescribers, dispensers, and pharmacists employed by the United States Department of Veterans Affairs, who submit data, as described in Section 329-101, HRS, to access the electronic prescription accountability system. This allowance is proposed to assist the federal government in the implementation of the "Mission Act," which requires that Hawaii provide access to the PDMP for the Department of Veterans Affairs. This allowance is recommended to be consistent with this new federal law.

Thank you for the opportunity to testify on this measure.



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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB 1191 SD1
RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Hearing Date: 2/24/2021 Room Number: Videoconference

1 **Fiscal Implications:** None

2 **Department Testimony:** The subject matter of this measure falls within the scope of the
3 Department's Behavioral Health Administration (BHA) whose statutory mandate is to assure a
4 comprehensive statewide behavioral health care system by leveraging and coordinating public,
5 private and community resources. Through the BHA, the Department is committed to carrying
6 out this mandate by reducing silos, ensuring behavioral health care is readily accessible, and
7 person-centered. The BHA's Alcohol and Drug Abuse Division (ADAD) provides the following
8 testimony on behalf of the Department.

9 The Department supports this initiative by the Department of Public Safety to increase Hawaii's
10 public health surveillance capacity by amending HRS §329-104 to allow prescribers, dispensers
11 and pharmacists at Hawaii Veteran's Administration (VA) facilities and authorized employees of
12 the Department of Human Services, Med-QUEST Division (MQD) to access information stored
13 in the electronic prescription accountability system (EPAS). This measure also aligns with the
14 following objectives of the Hawaii Opioid Initiative:

- 15 • Propose legislation to amend administrative rules and reduce over-prescribing or
16 prescribing practices that are of concern (separate from law enforcement);
- 17 • Adapt plans used in other states for Hawai'i to educate physicians specific to opioid
18 prescribing and pain management practices with continued oversight to ensure
19 information is current.

1 • Continue to collaborate with NED for EPAS utilization and enhancements.

2 The Legislature passed SB1486 CD1 (later Act 230 SLH 2019) which allowed authorized
3 employees of ADAD and the Emergency Medical Services and Injury Prevention Branch to use
4 the EPAS for public health surveillance. Act 230 SLH 2019 fulfilled one of the early objectives
5 of the Hawaii Opioid Initiative.

6 The ADAD is working more closely with MQD to expand contractual services and staffing
7 provided by the Hawai'i Coordinated Access Resource Entry System, or Hawai'i CARES.

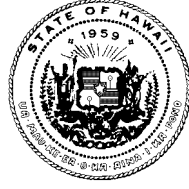
8 Expanded VA prescriber usage will elevate the EPAS to a “mainstream” surveillance tool and
9 provide more opportunities for prescriber education and boost system user and registration rates.

10 Allowing MQD to use the EPAS for surveillance provides additional checks and balances to
11 ensure appropriate billing for services and appropriate prescribing and treatment access for
12 Medicaid members.

13 **Offered Amendments:** None

14 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 22, 2021

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

FROM: Cathy Betts, Director

SUBJECT: **SB 1191 SD1 – RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.**

Hearing: Wednesday, February 24, 2021, 9:30 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration bill. The Committee on Health amended the measure with technical amendments.

PURPOSE: The purpose of the bill updates Section 329-104(c), Hawaii Revised Statutes (HRS), to clarify that Advance Practice Registered Nurses (APRN), Pharmacists checking for information while serving a customer, authorized staff of the DHS Med-QUEST division (MQD), and controlled substances prescribers, dispensers, and pharmacists employed by the United States Department of Veterans Affairs, who submit data, may access information stored in the electronic prescription accountability system (EPAS), commonly known as the Prescription Drug Monitoring Program (PDMP).

The impetus for this measure is to align with and support the goals of the Hawaii Opioid Initiative. This bill aligns with the following Hawaii Opioid Initiative objectives:

- Propose legislation to amend administrative rules and reduce over-prescribing or 15 prescribing practices that are of concern (separate from law enforcement);

- Adapt plans used in other states for Hawaii to educate physicians specific to opioid prescribing and pain management practices with continued oversight to ensure information is current.

Allowing MQD to use the PDMP provides additional checks and balances to ensure that there is appropriate billing for services, appropriate prescribing, and appropriate access to treatment for our Medicaid members. The authorization enabled by this bill is highly encouraged by the federal Centers for Medicare and Medicaid Services (CMS) to combat the national opioid problem and demonstrates close collaboration of Public Safety Department with MQD.

Thank you for the opportunity to provide testimony in support of this measure.