



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Commerce and Consumer Protection
Wednesday, February 22, 2023 at 9:35 a.m.

By

Bonnie Irwin, Chancellor

and

Miriam Mobley Smith, Interim Dean
Daniel K. Inouye College of Pharmacy
University of Hawai'i at Hilo

SB 602 SD1 – RELATING TO HEALTH

Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

Thank you for the opportunity to submit testimony on SB 602 SD1. The University of Hawai'i at Hilo (UH Hilo) supports SB 602 SD1, which establishes permitting and education requirements for pharmacists performing certain diagnostic tests or tests waived pursuant to the Clinical Laboratory Improvement Amendments of 1988 (CLIA). This bill expands the definition of “practice of pharmacy” to include the performance of certain diagnostic or CLIA-waived tests.

Pharmacists in the State of Hawai'i are currently permitted to perform certain drug therapy-related tests under the definition of “practice of Pharmacy” in section 461-1, Hawai'i Revised Statutes. CLIA-waived tests are simple and non-technical. They are FDA-approved, apply methods that are accurate and intuitive, the likelihood of error is negligible and, if performed incorrectly poses no reasonable risk of patient harm. New developments in point of care testing technology have significantly broadened the number of available CLIA-waived tests. Subsequently, expanding pharmacists' performance of any aspect of CLIA-waived tests can contribute to improving patient care outcomes.

Offering CLIA-waived testing for multiple services including medication management, health wellness and disease prevention, infectious disease screening, chronic illness screening, chronic care management can increase access to health care and improve public health. Based on test findings, pharmacists can help patients avoid adverse drug interactions, refer patients to their primary care providers or health care centers, educate patients about chronic disease risk factors and preventive health measures, and assist patients to undertake risk reduction strategies.

As the only College of Pharmacy in the State of Hawai'i, our mission is to educate pharmacy practitioners and leaders who will improve health in Hawai'i and throughout the Pacific through education, research and service. We prepare our student pharmacists to serve patients in pharmacies and as members of inter-professional health care teams. As

their role has evolved to encompass a greater focus on the provision of services, pharmacists should be permitted to perform CLIA-waived tests that enhance their contribution to patient care.

Thank you for the opportunity to testify in support of SB 602 SD1.

Testimony of the Board of Pharmacy

**Before the
Senate Committee on Commerce and Consumer Protection
Wednesday, February 22, 2023
9:35 a.m.
Via Videoconference**

**On the following measure:
S. B. 602, S.D. 1, RELATING TO HEALTH**

WRITTEN TESTIMONY

Chair Keohokalole and Members of the Committee:

My name is James Skizewski, and I am the Executive Officer of the Board of Pharmacy (Board). The Board supports this bill.

The purposes of this bill are to: (1) establish permitting and education requirements for pharmacists ordering or collecting specimens for certain diagnostic tests or tests waived pursuant to the Clinical Laboratory Improvement Amendments of 1988 (CLIA); and (2) expand the definition of "practice of pharmacy" to include the ordering of certain tests and collecting specimens for certain diagnostic or CLIA-waived tests.

Pharmacies are geographically dispersed throughout the community with extended hours of operation, making access to health care provided through pharmacies convenient for patients in each locality. Patients have established relationships of trust with and recognize pharmacists as healthcare professionals. As a result, the pharmacist scope of practice has expanded over time. Pharmacists possess the skills and knowledge necessary to perform diagnostic and CLIA-waived tests, which are non-technical and have a low risk for erroneous results. For example, in response to the COVID-19 pandemic, pharmacists order and administer COVID-19 tests in pharmacies across the State, safely expanding patient access to care.

Other States that allow pharmacists to administer CLIA-waived tests include, but are not limited to, Alabama, Arkansas, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Texas, Virginia, West Virginia, and Wyoming.

Thank you for the opportunity to testify on this bill.

SB-602-SD-1

Submitted on: 2/18/2023 1:49:01 PM

Testimony for CPN on 2/22/2023 9:35:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------------------|---------------------|---------------------------|---------------------------|
| Hector Hoyos (aka) SisterFace | Individual | Support | Written Testimony Only |

Comments:

Alohas,

if I am correct, in saying that this bill will make it legal for our local pharmacy personnel to be certified and made sure they're certified, but at the same time will make it able for our pharmacy personnel to order diagnostic tests that we would usually have to go somewhere else to get kind of a headache, honestly on the island and has probably affected every single one of us at one point or another who are trying to get tested for whatever it may be this is genius, especially for us on the islands. This is really good this saves time for everyone.

SB-602-SD-1

Submitted on: 2/21/2023 7:51:49 AM

Testimony for CPN on 2/22/2023 9:35:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Thaddeus Pham | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Keohokalole, Vice Chari Fukunaga, and Committee Members,

As a public health professional, I write in strong support of SB602 SD1, which would establish permitting and education requirements for pharmacists performing certain diagnostic tests or tests waived pursuant to the Clinical Laboratory Improvement Amendments of 1988 (CLIA). SB602 would also expand the definition of "practice of pharmacy" to include the performance of certain diagnostic or CLIA-waived tests.

As we have all learned (and likely experienced directly) during the early COVID-19 pandemic, pharmacists are essential components of a robust and responsive healthcare system. Not only do they dispense medications, but they also act as educators, screeners, and immunizers for people who otherwise might not engage with the healthcare system. As such, this bill would leverage this important workforce to provide approved rapid tests to help us respond to existing and future public health issues.

To better serve public health, I recommend that language on "liver function" specifically include "viral hepatitis".

Please pass this bill to ensure that Hawai'i can respond in a timely and nimble way for public and economic health.

In gratitude,

Thaddeus Pham (he/him)



SanHi

GOVERNMENT STRATEGIES
A LIMITED LIABILITY LAW PARTNERSHIP

LATE

DATE: February 21, 2023

TO: Senator Jarrett Keohokalole
Chair, Senate Committee on Commerce and Consumer Protection

FROM: Mihoko Ito / Tiffany Yajima

RE: **S.B. 602, SD1 – Relating to Health**
Hearing Date: Wednesday, February 22, 2023 at 9:35 a.m.
Conference Room: 229

Dear Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee on Commerce and Consumer Protection:

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 9,000 locations in all 50 states, the District of Columbia, and Puerto Rico. In Hawaii, Walgreens has 17 stores on the islands of Oahu and Maui.

Walgreens is in **strong support** of this measure which amends the practice of pharmacy statute under Chapter 461 to allow pharmacists to order and perform certain diagnostic related laboratory tests and CLIA-waived tests as part of the practice of pharmacy.

As a result of the COVID-19 pandemic, the federal Public Readiness and Emergency Preparedness (PREP) Act granted pharmacists the independent authority to order and collect CLIA-waived tests and certain diagnostic related tests such as PCR tests for COVID-19 testing. Pharmacists have been performing these tests pursuant to the PREP Act, and as a result they have the skill, experience and training to perform these tests. The purpose of this measure is to clarify their independent authority to do so.

Clinical Laboratory Improvement Amendments (“CLIA”) waived tests are simple, easy to use tests that are non-technical in nature and are meant to be performed by lay persons in a non-clinical setting. Examples of CLIA-waived tests include blood glucose tests, cholesterol monitoring tests, and most recently, COVID-19 tests. In fact, throughout the pandemic, pharmacies have served as crucial points of access for COVID-19 testing. There is little to no risk to patients experiencing adverse health effects from these tests and they can easily be performed at home or in a pharmacy setting. When done in the pharmacy, the pharmacy itself oversees, implements and manages compliance with CLIA-waiver protocol, and has oversight over all procedures within the pharmacy.

This bill also clarifies that pharmacists may order and perform certain diagnostic-related laboratory tests including tests used to detect or screen for COVID-19 or liver function issues or infections.

We have concerns with some of the amendments made to the S.D.1, but are continuing to work with stakeholders on this measure and ask the committee to pass the bill to

allow discussions to continue. Thank you for the opportunity to submit this testimony in strong support of this measure.