

S.B. NO. 3151

JAN 24 2024

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
4 discretion of the administrator, of investigative information
5 to:

- 6 (1) Law enforcement officers, investigative agents of
7 federal, state, or county law enforcement or
8 regulatory agencies, United States attorneys, county
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
14 prosecution;
- 15 (2) Registrants authorized under chapters 448, 453, [and]
16 463E, and 457 who are registered to administer,
17 prescribe, or dispense controlled substances and their

1 practitioner delegate; provided that the information
2 disclosed relates only to the registrant's own
3 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;

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; [~~and~~]

9 (9) The United States Department of Defense health agency
10 prescription monitoring program[~~-~~];

11 (10) Controlled substances prescribers, dispensers, and
12 pharmacists of United States Department of Veterans
13 Affairs facilities within the State who submit data,
14 as described in section 329-101, to the electronic
15 prescription accountability system; and

16 (11) Authorized employees of the State of Hawaii department
17 of human services, med-quest division.

18 Information disclosed to a registrant, pharmacist, or authorized
19 government agency under this section shall be transmitted by a
20 secure means determined by the designated agency."

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Wm H. ...*

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BY REQUEST

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Report Title:

Electronic Prescription Accountability System

Description:

Updates section 329-104(c), HRS, 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. 3151

JUSTIFICATION SHEET

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

PURPOSE: (1) clarifies that an advanced practice registered nurse and pharmacist may access information stored in the electronic prescription accountability system (EPAS), and (2) allows controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veteran's Affairs facilities in Hawaii, who submit data of dispensing activity as described in section 329-101, Hawaii Revised Statutes (HRS), as well as authorized employees of the State of Hawaii Department of Human Services, Med-QUEST division to access prescription information stored in the EPAS.

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

JUSTIFICATION: The proposed amendments enable the Department of Human Services, Med-QUEST division to comply with a federal requirement that all Med-QUEST providers use the Hawaii Prescription Drug Monitoring Program (PDMP) prior to the issuance of controlled substances prescriptions and clarifies who may access the EPAS.

Impact on the public: This bill is intended to aid: (1) advanced practice registered nurses and pharmacists, (2) controlled substances prescribers, dispensers, and pharmacists employed by United States Department of Veterans Affairs facilities in Hawaii, and (3) authorized employees of the Department of Human Services, Med-QUEST Division, by allowing them to access prescription information stored in the electronic prescription accountability system.

Impact on the department and other agencies:
These proposed amendments would: (1) assist the Department's Narcotics Enforcement Division by clarifying who may access prescription information stored in the electronic prescription accountability system, and (2) Assist the Department of Human Services, Med-QUEST division comply with federal controlled substance data information sharing mandates that require all Med-QUEST providers use the PDMP prior to the issuance of controlled substances prescriptions.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: DLE 502.

OTHER AFFECTED
AGENCIES: Hawaii Board of Nursing; United States Department of Veterans Affairs; Department of Human Services, Med-QUEST Division.

EFFECTIVE DATE: Upon approval.