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# 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. The legislature finds that Act 153, Session  
2 Laws of Hawaii 2018, requires all prescribers of controlled  
3 substances to query the electronic prescription accountability  
4 system, prior to issuing a prescription for certain controlled  
5 substances, to reduce the risk of abuse of or addiction to a  
6 controlled substance. The electronic prescription  
7 accountability system, also known as the prescription drug  
8 monitoring program, is a useful tool for health care providers  
9 when determining which controlled substances a patient has been  
10 prescribed.

11           The legislature notes that although prescribers have taken  
12 steps to implement this law, some concerns have been raised  
13 about the applicability of the law to certain patient  
14 populations. The legislature believes that the law should not  
15 apply in inpatient settings, where a patient is in a hospital or  
16 nursing home and is directly administered a prescription under  
17 the supervision of a health care provider. The law should also

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1 not apply to initial prescriptions for patients being treated  
 2 for post-operative pain with a limited three-day supply, which  
 3 is consistent with a 2016 recommendation on acute pain  
 4 management by the federal Centers for Disease Control and  
 5 Prevention. An exemption for hospice patients is also  
 6 appropriate to reduce barriers to this end-of-life choice. By  
 7 definition, a patient electing hospice typically has only six  
 8 months or less to live. Therefore, requiring a health care  
 9 provider to consult the electronic prescription accountability  
 10 system under these circumstances may cause a delay in the  
 11 provision of appropriate care to the patient.

12 The purpose of this Act is to specify that a health care  
 13 provider shall not be required to consult the electronic  
 14 prescription accountability system when a patient is in an  
 15 inpatient setting, in post-operative care, or has a terminal  
 16 disease and is receiving hospice or other palliative care.

17 SECTION 2. Section 329-38.2 Hawaii Revised Statutes, is  
 18 amended by amending subsection (b) to read as follows:

19 "(b) No prescriber shall prescribe a schedule II, III, or  
 20 IV controlled substance without first requesting, receiving, and  
 21 considering records of the ultimate user from the state



1 electronic prescription accountability system as needed to  
2 reduce the risk of abuse of or addiction to a controlled  
3 substance, as needed to avoid harmful drug interactions, or as  
4 otherwise medically necessary; provided that this subsection  
5 shall not apply to [+] any prescription:

6 (1) ~~[Any prescription for]~~ For a supply of three days or  
7 less that is made in an emergency situation, by an  
8 emergency medical provider, or in an emergency room;  
9 [and]

10 (2) ~~[Any prescription written]~~ That will be administered  
11 directly to a patient under the supervision of a  
12 health care provider licensed to practice within the  
13 State; provided that a medically-indicated query of  
14 the electronic prescription accountability system is  
15 made when the patient is initially admitted for  
16 inpatient care at a hospital;

17 (3) That is an initial prescription for a patient being  
18 treated for post-operative pain; provided that the  
19 prescription is limited to a three-day supply with no  
20 refills;

1        (4) For a patient with a terminal disease receiving  
2        hospice or other types of palliative care; provided  
3        that for purposes of this paragraph, "terminal  
4        disease" means an incurable and irreversible disease  
5        that will, within reasonable medical judgment, produce  
6        death within six months; or

7        (5) Prescribed while the state electronic prescription  
8        accountability system is nonfunctional."

9        SECTION 3. Statutory material to be repealed is bracketed  
10      and stricken. New statutory material is underscored.

11      SECTION 4. This Act shall take effect on July 1, 2019.



**Report Title:**

Electronic Prescription Accountability System; Hospice;  
Palliative Care; Exemptions

**Description:**

Specifies that a health care provider shall not be required to consult the electronic prescription accountability system for patients when the prescription will be directly administered under the supervision of a health care provider, provided that the system is consulted when the patients are initially admitted at a hospital, for patients in post-operative care with a prescription limited to a three-day supply, or for patients with a terminal disease receiving hospice or other palliative care.  
(HB665 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

