

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CONTRACEPTIVE SUPPLIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many reproductive
2 health experts have long sought to make prescription
3 contraceptives more readily accessible. Research indicates
4 women are more likely to use prescription contraceptives and
5 less likely to have unintended pregnancies when barriers are
6 lifted to contraceptive access. Furthermore, studies have also
7 indicated it is safe for women to obtain contraceptive supplies
8 without a physician and that women can accurately identify
9 conditions that make it appropriate to use certain
10 contraceptives by using a simple checklist.

11 The legislature further finds that under the federal
12 Patient Protection and Affordable Care Act of 2010,
13 contraceptives are required to be covered at a \$0 copayment,
14 thus removing financial barriers for patients and ensuring that
15 patients have better opportunities to receive contraceptive
16 care.



1 The legislature additionally finds that some states are
2 also taking steps to ensure greater access to contraceptive
3 supplies. For example, recent legislation in California and
4 Oregon has expanded access to prescription contraceptives for
5 millions of women. The California and Oregon laws, enacted in
6 2016, permit women to obtain contraceptive supplies from
7 pharmacists without first having to visit a primary care
8 provider for a prescription. The legislature concludes that
9 Hawaii should adopt similar legislation, which will increase
10 access to prescription contraceptive supplies and decrease
11 barriers regarding reproductive health care.

12 The purpose of this Act is to expand access to prescription
13 contraceptives by:

- 14 (1) Authorizing pharmacists to prescribe and dispense
15 self-administered hormonal contraceptive supplies; and
16 (2) Specifying requirements pharmacists must meet prior to
17 prescribing and dispensing contraceptive supplies.

18 SECTION 2. Chapter 461, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§461- Contraceptive supplies; authority to prescribe
2 and dispense; requirements. (a) A pharmacist may prescribe and
3 dispense contraceptive supplies to a patient regardless of
4 whether the patient has evidence of a previous prescription for
5 contraceptive supplies from a licensed physician, advanced
6 practice registered nurse, or other primary care provider
7 authorized to prescribe contraceptive supplies.

8 (b) A pharmacist who prescribes contraceptive supplies
9 pursuant to subsection (a) shall:

- 10 (1) Complete an Accreditation Council for Pharmacy
11 Education program approved by the board related to
12 prescribing contraceptive supplies;
13 (2) Provide a self-screening risk assessment tool that a
14 patient shall complete before the pharmacist
15 prescribes any contraceptive supplies; provided that
16 the self-screening risk assessment tool shall be based
17 on the current version of the United States Medical
18 Eligibility Criteria for Contraceptive Use developed
19 by the federal Centers for Disease Control and
20 Prevention;



- 1 (3) Refer the patient to the patient's primary care
2 provider upon prescribing and dispensing the
3 contraceptive supplies; provided that if the patient
4 does not have a primary care provider, the pharmacist
5 shall advise the patient to consult a licensed
6 physician, advanced practice registered nurse, or
7 other primary care provider of the patient's choice;
8 (4) Provide the patient with a written record of the
9 contraceptive supplies prescribed and dispensed and
10 advise the patient to consult with a primary care
11 provider of the patient's choice; and
12 (5) Dispense the contraceptive supplies to the patient as
13 soon as practicable after the pharmacist issues the
14 prescription.
15 (c) A pharmacist who prescribes contraceptive supplies
16 pursuant to subsection (a) shall not:
17 (1) Require a patient to schedule an appointment with the
18 pharmacist for the prescribing or dispensing of
19 contraceptive supplies; or
20 (2) Prescribe and dispense contraceptive supplies to a
21 patient who has not provided evidence of a clinical



1 visit for women's health within three years
2 immediately following the initial prescription and
3 dispensation of contraceptive supplies by a pharmacist
4 to the patient."

5 SECTION 3. Section 461-1, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By adding two new definitions to be appropriately
8 inserted and to read:

9 "Advanced practice registered nurse" means a person
10 licensed pursuant to section 457-8.5 and granted prescriptive
11 authority pursuant to section 457-8.6.

12 "Contraceptive supplies" means all United States Food and
13 Drug Administration-approved self-administered hormonal
14 contraceptives."

15 2. By amending the definition of "practice of pharmacy" to
16 read:

17 "Practice of pharmacy" means:

- 18 (1) The interpretation and evaluation of prescription
19 orders; the compounding, dispensing, and labeling of
20 drugs and devices (except labeling by a manufacturer,
21 packer, or distributor of nonprescription drugs and



1 commercially legend drugs and devices); the
2 participation in drug selection and drug utilization
3 reviews; the proper and safe storage of drugs and
4 devices and the maintenance of proper records
5 therefor; the responsibility for advising when
6 necessary or where regulated, of therapeutic values,
7 content, hazards, and use of drugs and devices;

- 8 (2) Performing the following procedures or functions as
9 part of the care provided by and in concurrence with a
10 "health care facility" and "health care service" as
11 defined in section 323D-2, or a "pharmacy" or a
12 licensed physician or a licensed advanced practice
13 registered nurse with prescriptive authority, or a
14 "managed care plan" as defined in section 432E-1, in
15 accordance with policies, procedures, or protocols
16 developed collaboratively by health professionals,
17 including physicians and surgeons, pharmacists, and
18 registered nurses, and for which a pharmacist has
19 received appropriate training required by these
20 policies, procedures, or protocols:



- 1 (A) Ordering or performing routine drug therapy
- 2 related patient assessment procedures;
- 3 (B) Ordering drug therapy related laboratory tests;
- 4 (C) Initiating emergency contraception oral drug
- 5 therapy in accordance with a written
- 6 collaborative agreement approved by the board,
- 7 between a licensed physician or advanced practice
- 8 registered nurse with prescriptive authority and
- 9 a pharmacist who has received appropriate
- 10 training that includes programs approved by the
- 11 American Council of Pharmaceutical Education
- 12 (ACPE), curriculum-based programs from an ACPE-
- 13 accredited college of pharmacy, state or local
- 14 health department programs, or programs
- 15 recognized by the board of pharmacy;
- 16 (D) Administering drugs orally, topically, by
- 17 intranasal delivery, or by injection, pursuant to
- 18 the order of the patient's licensed physician or
- 19 advanced practice registered nurse with
- 20 prescriptive authority, by a pharmacist having
- 21 appropriate training that includes programs



1 approved by the ACPE, curriculum-based programs
2 from an ACPE-accredited college of pharmacy,
3 state or local health department programs, or
4 programs recognized by the board of pharmacy;

5 (E) Administering:

6 (i) Immunizations orally, by injection, or by
7 intranasal delivery, to persons eighteen
8 years of age or older by a pharmacist having
9 appropriate training that includes programs
10 approved by the ACPE, curriculum-based
11 programs from an ACPE-accredited college of
12 pharmacy, state or local health department
13 programs, or programs recognized by the
14 board of pharmacy; and

15 (ii) Vaccines to persons between fourteen and
16 seventeen years of age pursuant to section
17 461-11.4;

18 (F) As authorized by the written instructions of a
19 licensed physician or advanced practice
20 registered nurse with prescriptive authority,
21 initiating or adjusting the drug regimen of a



1 patient pursuant to an order or authorization
2 made by the patient's licensed physician or
3 advanced practice registered nurse with
4 prescriptive authority and related to the
5 condition for which the patient has been seen by
6 the licensed physician or advanced practice
7 registered nurse with prescriptive authority;
8 provided that the pharmacist shall issue written
9 notification to the patient's licensed physician
10 or advanced practice registered nurse with
11 prescriptive authority or enter the appropriate
12 information in an electronic patient record
13 system shared by the licensed physician or
14 advanced practice registered nurse with
15 prescriptive authority, within twenty-four hours;

16 (G) Transmitting a valid prescription to another
17 pharmacist for the purpose of filling or
18 dispensing;

19 (H) Providing consultation, information, or education
20 to patients and health care professionals based



1 on the pharmacist's training and for which no
2 other licensure is required; or

3 (I) Dispensing an opioid antagonist in accordance
4 with a written collaborative agreement approved
5 by the board, between a licensed physician and a
6 pharmacist who has received appropriate training
7 that includes programs approved by the American
8 Council on Pharmaceutical Education (ACPE),
9 curriculum-based programs from an ACPE-accredited
10 college of pharmacy, state or local health
11 department programs, or programs recognized by
12 the board; [and]

13 (3) The offering or performing of those acts, services,
14 operations, or transactions necessary in the conduct,
15 operation, management, and control of pharmacy[-]; and

16 (4) Prescribing and dispensing contraceptive supplies
17 pursuant to section 461- ."

18 SECTION 4. Section 461-8, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§461-8 Renewal of licenses; continuing education**
21 **requirement.** (a) All licenses issued by the board, except



1 temporary licenses issued under section 461-7, shall be renewed
2 biennially on or before December 31 of each odd-numbered year.
3 Failure to pay the biennial fee and, beginning with the renewal
4 for the licensing biennium commencing on January 1, 2008, to
5 satisfy the continuing education requirement on or before
6 December 31 of each odd-numbered year, shall constitute a
7 forfeiture of the license as of the date of expiration.

8 (b) Any license forfeited pursuant to subsection (a) may
9 be restored within three years upon payment of any penalty fee,
10 the current biennial fees, and the renewal fee for the next
11 biennium, if applicable, upon submission of proof of compliance
12 with the continuing education requirement for the prior
13 biennium, and upon meeting any other requirements specified in
14 rules adopted pursuant to chapter 91.

15 (c) In the event that the pharmacist has not engaged in
16 the practice of pharmacy in this State or in another state or
17 territory of the United States within the past five years, the
18 board may require the pharmacist to satisfy additional
19 requirements, as specified in rules adopted pursuant to chapter
20 91, to demonstrate that the pharmacist is competent to practice
21 in this State.



1 (d) Beginning with the renewal for the licensing biennium
2 commencing on January 1, 2008, and every biennial renewal
3 thereafter, each licensee shall have completed thirty credit
4 hours in continuing education courses within the two-year period
5 preceding the renewal date, regardless of the licensee's initial
6 date of licensure; provided that a licensee who has graduated
7 from an accredited pharmacy school within one year of the
8 licensee's first license renewal period shall not be subject to
9 the continuing education requirement for the first license
10 renewal. The board may extend the deadline for compliance with
11 the continuing education requirement based on any of the
12 following:

- 13 (1) Illness, as certified by a physician or osteopathic
14 physician licensed under chapter 453 or licensed in
15 the jurisdiction in which the licensee was treated;
16 (2) Military service under extended active duty with the
17 armed forces of the United States;
18 (3) Lack of access to continuing education courses due to
19 the practice of pharmacy in geographically isolated
20 areas; and



1 (4) Inability to undertake continuing education due to
2 incapacity, undue hardship, or other extenuating
3 circumstances.

4 (e) A pharmacist who administers any vaccine to persons
5 between the ages of fourteen and seventeen years pursuant to
6 section 461-11.4 shall complete a training program approved by
7 the board within every other biennial renewal period and submit
8 proof of successful completion of the training program to the
9 board; provided that the pharmacist shall meet these
10 requirements prior to administering any vaccine to persons
11 between the ages of fourteen and seventeen years.

12 (f) A pharmacist who prescribes and dispenses
13 contraceptive supplies pursuant to section 461- shall
14 complete an Accreditation Council for Pharmacy Education program
15 approved by the board within every other biennial renewal period
16 and submit proof of successful completion of the continuing
17 education program to the board.

18 [~~(f)~~] (g) Each licensee shall maintain the licensee's
19 continuing education records. At the time of renewal, each
20 licensee shall certify under oath that the licensee has complied
21 with the continuing education requirement of this section. The



1 board may require a licensee to submit, in addition to the
2 certification, evidence satisfactory to the board that
3 demonstrates compliance with the continuing education
4 requirement of this section.

5 [~~g~~] (h) The board may conduct random audits to determine
6 compliance with the continuing education requirement. The board
7 shall provide written notice of an audit to a licensee randomly
8 selected for audit. Within sixty days of notification, the
9 licensee shall provide the board with documentation verifying
10 compliance with the continuing education requirement."

11 SECTION 5. Section 461-21, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) In addition to any other actions authorized by law,
14 the board may deny, revoke, or suspend any license or permit
15 applied for or issued by the board, in accordance with this
16 chapter, and fine or otherwise discipline a licensee or permit
17 holder for any cause authorized by law, including but not
18 limited to the following:

19 (1) Procuring a license through fraud, misrepresentation,
20 or deceit;



- 1 (2) Professional misconduct, gross carelessness, or
- 2 manifest incapacity;
- 3 (3) Permitting an unlicensed person to perform activities
- 4 that require a license under this chapter;
- 5 (4) Violation of any of the provisions of this chapter or
- 6 the rules adopted pursuant thereto;
- 7 (5) Violation of any state or federal drug, controlled
- 8 substance, or poison law;
- 9 (6) False, fraudulent, or deceptive advertising;
- 10 (7) Any other conduct constituting fraudulent or dishonest
- 11 dealings;
- 12 (8) Failure to comply with a board order;
- 13 (9) Making a false statement on any document submitted or
- 14 required to be filed by this chapter, including a
- 15 false certification of compliance with the continuing
- 16 education requirement;
- 17 (10) Habitual intemperance or addiction to the use of
- 18 habit-forming drugs; [~~or~~]
- 19 (11) Administering a vaccine to a person between fourteen
- 20 and seventeen years of age without complying with
- 21 section 461-11.4 [~~-~~]; or



1 (12) Prescribing or dispensing contraceptive supplies
2 without complying with section 461- ."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2017.

6

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S.B. NO. 513

Report Title:

Pharmacists; Prescriptive Authority; Contraceptive Supplies;
Requirements

Description:

Authorizes pharmacists to prescribe and dispense self-administered hormonal contraceptive supplies to patients, regardless of a previous prescription from an authorized prescriber. Specifies requirements pharmacists must meet prior to prescribing and dispensing contraceptive supplies.

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

