
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 opioid addiction is
2 a growing problem in Hawaii. According to data from the federal
3 Centers for Disease Control and Prevention, drug overdose deaths
4 in Hawaii increased by eighty-three percent from 2006 to 2014, a
5 growth rate more than double the national average of thirty-
6 seven percent. Nearly half of those deaths are a result of
7 prescription opioids.

8 Furthermore, the Centers for Disease Control and Prevention
9 also noted that sales of prescription opioids in the United
10 States nearly quadrupled between 1999 and 2014, but there has
11 not been an overall change in the amount of pain Americans
12 report. The legislature further finds that the connection
13 between increased prescriptions for opiates, and similar
14 increases in overdose deaths and substance abuse problems from
15 those prescriptions must be addressed.

16 Accordingly, the purpose of this Act is to make use of data
17 available within the electronic prescription accountability



1 system to inform practitioners of their opioid prescription
 2 rates in relation to their peers by grouping similarly situated
 3 practitioners and assigning them a percentile rank within the
 4 group according to total opiate prescriptions prescribed for the
 5 past year. Under this Act, practitioners will be notified of
 6 their percentile ranking solely for the purpose of increasing
 7 awareness of their prescription habits; percentile ranking
 8 information produced under this Act will be inadmissible in all
 9 civil or criminal proceedings and cannot be used as the sole
 10 purpose for investigation by a licensure board.

11 SECTION 2. Section 329-103, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "[+]§329-103[+] **Designated state agency.** The designated
 14 state agency shall:

- 15 (1) Oversee and administer the collection of information
 16 under the system;
- 17 (2) Control access to the information in the system; [and]
- 18 (3) Produce exception reports as defined in section 329-
 19 1[-];
- 20 (4) Annually determine, through the electronic
 21 prescription accountability system established in



1 section 329-101, the mean and median quantity and
2 volume of prescriptions for opiates listed in section
3 329-16 as schedule II controlled substances and listed
4 in section 329-18 as schedule III controlled
5 substances issued by practitioners registered to
6 utilize the electronic prescription accountability
7 system under section 329-101; provided that the mean
8 and median prescription quantities and volumes shall
9 be determined within categories of practitioners of a
10 similar specialty or practice type as determined by
11 the department;

12 (5) Work in conjunction with the respective boards of
13 licensure to annually determine each practitioner's
14 schedule II and schedule III opiate prescribing
15 quantity and volume, and the practitioner's standing
16 with regard to the mean and median quantity and volume
17 for the practitioner's category of specialty or
18 practice type; provided that the practitioner's
19 standing shall be expressed as a percentile ranking
20 for the practitioner within the practitioner's
21 category. Each practitioner whose prescribing exceeds



1 the mean or median within the practitioner's category
2 shall be sent notice of the practitioner's percentile
3 ranking in a manner determined by the department. Any
4 practitioner may request the practitioner's own
5 percentile ranking within the practitioner's own
6 category of practice. The ranking determined for each
7 practitioner shall be confidential, shall be
8 distributed by the department or by the relevant board
9 of licensure only to the practitioner to which the
10 information pertains, and shall not be admissible as
11 evidence in a civil or criminal proceeding or be the
12 sole basis for investigation by a licensure board; and
13 (6) Coordinate with the respective boards of licensure to
14 make resources available to practitioners regarding
15 ways to change prescribing practices and incorporate
16 alternative pain management options into a
17 practitioner's practice."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2021.



Report Title:

Electronic Prescription Accountability System; Opiates;
Prescription Practices

Description:

Enhances the electronic prescription accountability system to inform practitioners of the percentile ranking of their opiate prescription practices as compared to their peers. Takes effect on 7/1/2021. (SD1)

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