H.B. NO. 1037

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

SECTION 1. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) Prescriptions for controlled substances shall be issued only as follows:

(1) All prescriptions for controlled substances shall originate from within the State and be dated as of, and signed on, the day when the prescriptions were issued and shall contain:

(A) The first and last name and address of the patient; and

(B) The drug name, strength, dosage form, quantity prescribed, and directions for use. Where a prescription is for gamma hydroxybutyric acid, methadone, or buprenorphine, the practitioner shall record as part of the directions for use, the medical need of the patient for the prescription."
Except for electronic prescriptions, controlled substance prescriptions shall be no larger than eight and one-half inches by eleven inches and no smaller than three inches by four inches. A practitioner may sign a prescription in the same manner as the practitioner would sign a check or legal document (e.g., J.H. Smith or John H. Smith) and shall use both words and figures (e.g., alphabetically and numerically as indications of quantity, such as five (5)), to indicate the amount of controlled substance to be dispensed. Where an electronic prescription is permitted, either words or figures (e.g., alphabetically or numerically as indications of quantity, such as five or 5), to indicate the amount of controlled substance to be dispensed shall be acceptable. Where an oral order or electronic prescription is not permitted, prescriptions shall be written with ink or indelible pencil or typed, shall be manually signed by the practitioner, and shall include the name, address, telephone number, and registration number of the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of the practitioner, but the
prescribing practitioner shall be responsible in case
the prescription does not conform in all essential
respects to this chapter and any rules adopted
pursuant to this chapter. In receiving an oral
prescription from a practitioner, a pharmacist shall
promptly reduce the oral prescription to writing,
which shall include the following information: the
drug name, strength, dosage form, quantity prescribed
in figures only, and directions for use; the date the
oral prescription was received; the full name, Drug
Enforcement Administration registration number, and
oral code number of the practitioner; and the name and
address of the person for whom the controlled
substance was prescribed or the name of the owner of
the animal for which the controlled substance was
prescribed.

A corresponding liability shall rest upon a
pharmacist who fills a prescription not prepared in
the form prescribed by this section. A pharmacist may
add a patient's missing address or change a patient's
address on all controlled substance prescriptions
after verifying the patient's identification and
noting the identification number on the back of the
prescription document on file. The pharmacist shall
not make changes to the patient's name, the controlled
substance being prescribed, the quantity of the
prescription, the practitioner's Drug Enforcement
Administration number, the practitioner's name, the
practitioner's electronic signature, or the
practitioner's signature;

(2) An intern, resident, or foreign-trained physician, or
a physician on the staff of a Department of Veterans
Affairs facility or other facility serving veterans,
exempted from registration under this chapter, shall
include on all prescriptions issued by the physician:
(A) The registration number of the hospital or other
institution; and

(B) The special internal code number assigned to the
physician by the hospital or other institution in
lieu of the registration number of the
practitioner required by this section.

The hospital or other institution shall forward a copy
of this special internal code number list to the
department as often as necessary to update the
department with any additions or deletions. Failure
to comply with this paragraph shall result in the
suspension of that facility's privilege to fill controlled substance prescriptions at pharmacies outside of the hospital or other institution. Each written prescription shall have the name of the physician stamped, typed, or hand-printed on it, as well as the signature of the physician;

(3) An official exempted from registration shall include on all prescriptions issued by the official:

(A) The official's branch of service or agency (e.g., "U.S. Army" or "Public Health Service"); and

(B) The official's service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number for a Public Health Service employee shall be the employee's social security or other government issued identification number.

Each prescription shall have the name of the officer stamped, typed, or handprinted on it, as well as the signature of the officer; and

(4) A physician assistant registered to prescribe controlled substances under the authorization of a
The supervising physician shall include on all controlled substance prescriptions issued:

(A) The Drug Enforcement Administration registration number of the supervising physician; and

(B) The Drug Enforcement Administration registration number of the physician assistant.

Each written controlled substance prescription issued shall include the printed, stamped, typed, or hand-printed name, address, and phone number of both the supervising physician and physician assistant, and shall be signed by the physician assistant. The medical record of each written controlled substance prescription issued by a physician assistant shall be reviewed and initialed by the physician assistant's supervising physician within seven working days."

SECTION 2. New statutory material is underscored.

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

INTRODUCED BY:

BY REQUEST

JAN 22 2019
Report Title:
Uniform Controlled Substances Act

Description:
Updates section 329-38(i), Hawaii Revised Statutes, to be consistent with federal law under Title 21 of the Code of Federal Regulations to allow for the use of either words or figures, not both, to indicate quantity where electronic prescriptions are permitted.

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

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

PURPOSE: Updates section 329-38(i), Hawaii Revised Statutes (HRS), to be consistent with federal law under Title 21 of the Code of Federal Regulations to allow for the use of either words or figures, not both, to indicate quantity where electronic prescriptions are permitted.

MEANS: Amend section 329-38(i), HRS.

JUSTIFICATION: Hawaii law requires that both words and figures be used to indicate quantity for a controlled substance prescription. Title 21 of Code of Federal Regulations (CFR), section 1306.5 requires only that quantity be indicated on a prescription, with no specification on how the quantity should be stated. The Narcotics Enforcement Division of the Department of Public Safety is informed that a large number of electronic prescription software programs do not have the capability to use both words and figures as the indication of quantity. As a result, such electronic prescriptions are being reissued in written form or faxed to the pharmacy to comply with Hawaii law, creating an inconvenience to the patient and a delay in medical care. Where electronic prescriptions are permitted, this amendment in section 328-38(i), HRS, is needed for consistency with federal regulations and efficiency.

Impact on the public: This bill is intended to protect the public by updating Hawaii’s law to be consistent with the CFR.

Impact on the department and other agencies: None.

GENERAL FUND: None.
OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 502.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.