S.B. NO. 2917

JAN 23 2020

A BILL FOR AN ACT

RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

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

SECTION 1. Section 329-104, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) This section shall not prevent the disclosure, at the discretion of the administrator, of investigative information to:

(1) Law enforcement officers, investigative agents of federal, state, or county law enforcement or regulatory agencies, United States attorneys, county prosecuting attorneys, or the attorney general; provided that the administrator has reasonable grounds to believe that the disclosure of any information collected under this part is in furtherance of an ongoing criminal or regulatory investigation or prosecution;

(2) Registrants authorized under chapters 448, 453,[and] 463E, and 457-2.7 who are registered to administer, prescribe, or dispense controlled substances and their
practitioner delegate; provided that the information
disclosed relates only to the registrant's own
patient;

(3) Pharmacists or pharmacist delegates, employed by a
pharmacy registered under section 329-32, who request
prescription information about a customer [relating to
a violation or possible violation of this chapter];

(4) Other state-authorized governmental prescription-
monitoring programs;

(5) The chief medical examiner or licensed physician
designee who requests information and certifies the
request is for the purpose of investigating the death
of an individual;

(6) Qualified personnel for the purpose of bona fide
research or education; provided that data elements
that would reasonably identify a specific recipient,
prescriber, or dispenser shall be deleted or redacted
from the information prior to disclosure; provided
further that release of the information may be made
only pursuant to a written agreement between qualified
personnel and the administrator in order to ensure
compliance with this subsection;
(7) Other entities or individuals authorized by the administrator to assist the program with projects that enhance the electronic prescription accountability system;

(8) Authorized employees of the State of Hawaii department of health alcohol and drug abuse division and the emergency medical services and injury prevention system branch; [and]

(9) The United States Department of Defense health agency prescription monitoring program; and

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

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

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

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]

BY REQUEST
Report Title:
Electronic Prescription Accountability System

Description:
Updates section 329-104(c), Hawaii Revised Statutes, 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.
DEPARTMENT: Public Safety

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

PURPOSE: Amends section 329-104(c), Hawaii Revised Statutes (HRS), to: (1) clarify that an advanced practice registered nurse and pharmacist may access information stored in the electronic prescription accountability system (EPAS); (2) allow 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, HRS; and (3) allow 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: Proposed amendments to section 329-104(c) will accomplish the following:

(1) Clarify that an advanced practice registered nurse may access prescription information stored in the electronic prescription accountability system;

(2) Clarify that a pharmacist may access information stored in the electronic prescription accountability system to review prescription information about a customer;

(3) Allow 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, to access prescription information stored in the...
(4) Allow authorized employees of the Department of Human Services, Med-QUEST Division to access prescription information stored in the electronic prescription accountability system.

**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 Veteran’s 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 assist the Department’s Narcotics Enforcement Division by clarifying who may access prescription information stored in the electronic prescription accountability system.

**GENERAL FUND:** None.

**OTHER FUNDS:** None.

**PPBS PROGRAM DESIGNATION:** PSD 502.

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

**EFFECTIVE DATE:** Upon approval.