



GOV. MSG. NO. **850**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 23, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 23, 2007, the following bill was signed into law:

HB1044 HD1 SD2

A BILL FOR AN ACT RELATING TO PRESCRIPTION
DRUGS.
(ACT 092)

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 23 2007

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 092

H.B. NO. 1044
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

1 SECTION 1. Act 241, Session Laws of Hawaii 2005, added a
2 new part to chapter 346, Hawaii Revised Statutes, entitled
3 "Medicaid Preauthorization Exemption", which consists of two
4 sections codified as sections 346-351 and 346-352, Hawaii
5 Revised Statutes, and which exempts physicians prescribing
6 immunosuppressant medication under medicaid from
7 preauthorization procedures. However, section 346-352, Hawaii
8 Revised Statutes, excludes QUEST medical plans from this
9 exemption and thereby restricts access of QUEST medicaid
10 recipients to immunosuppressant medication.

11 The purpose of this Act is to delete the QUEST medical
12 plans exclusion in section 346-352, Hawaii Revised Statutes.
13 Deletion of this exclusion will provide equal access to
14 medications for medicaid clients who suffer from human
15 immunodeficiency virus, acquired immune deficiency syndrome, or
16 hepatitis C, or who need immunosuppressives as a result of organ
17 transplants, regardless of whether they are in the medicaid fee-
18 for-service or the medicaid QUEST program.

HB1044 SD2 LRB 07-4041.doc



1 SECTION 2. Section 346-352, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]§346-352[+]~~ Preauthorization exemption for certain
4 physicians. Any physician licensed in this State who treats a
5 medicaid recipient patient suffering from the human
6 immunodeficiency virus, acquired immune deficiency syndrome, or
7 hepatitis C, or who is a patient in need of transplant
8 immunosuppressives, may prescribe any medications approved by
9 the United States Food and Drug Administration and that are
10 eligible ~~[for]~~ pursuant to the Omnibus Budget Reconciliation
11 Rebates Act ~~[(OBRA), that are]~~ and necessary to treat the
12 condition, without having to comply with the requirements of any
13 preauthorization procedure established by any other provision of
14 this chapter. ~~[This section shall not apply to QUEST medical~~
15 ~~plans-]~~ "

16 SECTION 3. The department of human services shall prepare
17 and submit an economic impact assessment report, including
18 findings, recommendations, and any proposed legislation, to the
19 legislature no later than twenty days prior to the convening of
20 the 2010, 2011, and 2012 regular sessions. The economic impact
21 assessment report shall include information obtained from
22 insurance providers who provide medicaid and QUEST coverage on



1 the additional costs incurred as a result of providing access to
2 immunosuppressant medication to QUEST patients suffering from
3 the conditions as described in section 346-352, Hawaii Revised
4 Statutes.

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

7 SECTION 5. This Act shall take effect on January 1, 2008,
8 and shall be repealed on July 1, 2013; provided that section
9 346-352, Hawaii Revised Statutes, shall be reenacted in the form
10 in which it read on December 31, 2007.

APPROVED this 23 day of MAY, 2007



GOVERNOR OF THE STATE OF HAWAII

