
A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATION.

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

1 SECTION 1. Act 239, Session Laws of Hawaii 2005, is
2 amended as follows:

3 1. By amending section 2 to read:

4 "SECTION 2. Chapter 346, Hawaii Revised Statutes, is
5 amended by adding [~~two~~] a new [~~sections~~] section to be
6 appropriately designated and to read as follows:

7 "~~§346-~~ **Psychotropic medication.** [~~(a) The department~~
8 ~~shall not impose any restriction or limitation on the coverage~~
9 ~~for, or a recipient's access to, psychotropic medication;~~
10 ~~provided that the psychotropic medication shall be prescribed by~~
11 ~~a licensed psychiatrist or by a licensed physician in~~
12 ~~consultation with a psychiatrist duly licensed in the State.]~~

13 (a) The department shall not restrict by any prior or
14 retroactive approval process, restrictive formulary, therapeutic
15 substitution, or preferred drug list, a physician's ability to
16 treat a fee-for-service mental health consumer with psychotropic
17 medications that:



- 1 (1) Have been approved and designated as safe and
2 effective by the United States Food and Drug
3 Administration; and
- 4 (2) Are within the scope of the physician's practice and
5 considered appropriate for the treatment of a mental
6 health consumer.

7 (b) As used in this section:

8 "Consultation" means communication by telephone,
9 electronically, or [~~face to face~~] face-to-face by a licensed
10 psychiatrist and a licensed physician, during which the
11 psychiatrist concurs with the prescription made. The
12 psychiatrist's concurring opinion shall be documented in the
13 recipient's medical record.

14 "Psychotropic medication" means only those agents approved
15 by the United States Food and Drug Administration for the
16 treatment of mental or emotional disorders.

17 (c) This section shall not apply to QUEST medical plans.

18 ~~[346- Pre-authorization exemption for psychotropic~~
19 ~~medication. (a) A licensed physician may prescribe~~
20 ~~psychotropic medication pursuant to the laws of this State to an~~
21 ~~individual who is medicaid eligible without the requirement of~~
22 ~~any preauthorization procedure otherwise required by any other~~



1 ~~provision of this chapter; provided that the individual is in~~
2 ~~need of emergency psychiatric or psychological service.~~

3 ~~(b) As used in this section:~~

4 ~~"Emergency psychiatric or psychological service" means~~
5 ~~immediate administration or prescription of psychotropic~~
6 ~~medication not to exceed seven days by a licensed physician is~~
7 ~~required to avoid or mitigate significant adverse effects to the~~
8 ~~individual's mental or emotional condition.~~

9 ~~"Psychotropic medication" means only those agents approved~~
10 ~~by the United States Food and Drug Administration for the~~
11 ~~treatment of mental or emotional disorders.~~

12 ~~(c) This section shall not apply to QUEST medical~~
13 ~~plans.]"~~

14 2. By repealing section 3.

15 [~~"SECTION 3. The department of human services shall report~~
16 ~~to the legislature no later than twenty days before the~~
17 ~~convening of the regular session of 2007. The report shall~~
18 ~~include:~~

19 ~~(1) The number of prescriptions written pursuant to this~~
20 ~~Act;~~



1 ~~(2) The cost and impact of psychiatrists or physicians~~
2 ~~prescribing medications pursuant to this Act that are~~
3 ~~not part of the existing formulary; and~~

4 ~~(3) The overall utilization under chapter 346, Hawaii~~
5 ~~Revised Statutes."]~~

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2096.

H.B. 3105 H.D.2

Report Title:

Medicaid Fee-For-Service; Psychotropic medication

Description:

Amends Act 239, SLH 2005, by prohibiting DHS from restricting a physician's ability to treat a fee-for-service mental health consumer with psychotropic medications that have been approved by the FDA and are considered appropriate within the scope of the physician's practice for the treatment of a mental health consumer. Repeals the pre-authorization exemption for psychotropic medication and the requirement that DHS report on the cost and effects of the Act. (HB3105 HD2)

