

14 .B. NO. 2361

A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATION.

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

1 SECTION 1. The purpose of this bill is to delete the
2 language in Act 239, Session Laws of Hawaii 2005, that exempts
3 this law from applying to QUEST medical plans and which thereby
4 restricts access of medicaid recipients to psychotropic drugs.
5 The proposed amendments to remove the QUEST medical plans
6 exemption will provide equal access when it comes to providing
7 open, unrestricted access for medicaid clients in need of
8 psychotropic medications, regardless of whether they are in the
9 medicaid fee-for-service or medicaid QUEST programs.

10 SECTION 2. Act 239, Session Laws of Hawaii 2005, is
11 amended by amending sections 2 and 3 to read as follows:

12 "SECTION 2. Chapter 346, Hawaii Revised Statutes, is
13 amended by adding two new sections to be appropriately
14 designated and to read as follows:

15 "**§346- Psychotropic medication.** (a) The department
16 shall not impose any restriction or limitation on the coverage
17 for, or a recipient's access to, psychotropic medication;
18 provided that the psychotropic medication shall be prescribed by

1 a licensed psychiatrist or by a licensed physician in
2 consultation with a psychiatrist duly licensed in the State.

3 (b) As used in this section:

4 "Consultation" means communication by telephone,
5 electronically, or face to face by a licensed psychiatrist and a
6 licensed physician, during which the psychiatrist concurs with
7 the prescription made. The psychiatrist's concurring opinion
8 shall be documented in the recipient's medical record.

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 plans.~~]

13 **§346- Pre-authorization exemption for psychotropic**

14 **medication.** (a) A licensed physician may prescribe
15 psychotropic medication pursuant to the laws of this State to an
16 individual who is medicaid eligible without the requirement of
17 any preauthorization procedure otherwise required by any other
18 provision of this chapter; provided that the individual is in
19 need of emergency psychiatric or psychological service.

20 (b) As used in this section:

21 "Emergency psychiatric or psychological service" means
22 immediate administration or prescription of psychotropic

1 medication not to exceed seven days by a licensed physician is
2 required to avoid or mitigate significant adverse effects to the
3 individual's mental or emotional condition.

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

7 [~~(c) This section shall not apply to QUEST medical plans.~~]

8 SECTION 3. The department of human services shall report
9 to the legislature no later than twenty days before the
10 convening of the regular session of [~~2007.~~] 2008. The report
11 shall include:

12 (1) The number of prescriptions written pursuant to this
13 Act;

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

17 (3) The overall utilization under chapter 346, Hawaii
18 Revised Statutes."

19

20

21

H.B. NO. 2361

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4
5
6

INTRODUCED BY:

Calvin K. Ay
BY REQUEST
JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION.

PURPOSE: The purpose of this bill is to delete the language in Act 239, Session Laws of Hawaii 2005, that exempts this law from applying to QUEST medical plans and which thereby restricts access of medicaid recipients to psychotropic drugs and to extend the time for the report to the legislature.

MEANS: Amend Act 239, Session Laws of Hawaii 2005.

JUSTIFICATION: The proposed amendments to this section of the law will provide equal access when it comes to providing open, unrestricted access for Medicaid clients in need of psychotropic medications, regardless of whether they are in the Medicaid Fee-For-Service or Medicaid QUEST program.

Impact on the public: Will provide Medicaid clients with open, unrestricted access to psychotropic medication.

Impact on the department and other agencies: These proposed amendments would bring a standard of equal treatment to our State's Medicaid clients.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 230

OTHER AFFECTED AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.