

H.B. NO. 2362

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, titled
3 "MEDICAID PREAUTHORIZATION EXEMPTION", which consists of two
4 sections codified as sections 346-351 and 346-352, Hawaii
5 Revised Statutes. Section 346-352 exempts the QUEST medical
6 plans from the provisions of the section and thereby restricts
7 access of medicaid recipients to immunosuppressant medication.

8 The purpose of this Act is to remove the QUEST medical
9 plans exemption in section 346-352. Deletion of this exemption
10 will provide equal access when it comes to providing open,
11 unrestricted access to medications for medicaid clients who
12 suffer from human immunodeficiency virus, acquired immune
13 deficiency syndrome, or hepatitis C, or who need
14 immunosuppressives as a result of organ transplants, regardless
15 of whether they are in the medicaid fee-for-service or the
16 medicaid QUEST programs.

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

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1 " ~~[§346-352]~~ **Preauthorization exemption for certain**
2 **physicians.** Any physician licensed in this State who treats a
3 medicaid recipient patient suffering from the human
4 immunodeficiency virus, acquired immune deficiency syndrome, or
5 hepatitis C, or who is a patient in need of transplant
6 immunosuppressives, may prescribe any medications approved by
7 the United States Food and Drug Administration and that are
8 eligible for Omnibus Budget Reconciliation Rebates Act (OBRA),
9 that are necessary to treat the condition, without having to
10 comply with the requirements of any preauthorization procedure
11 established by any other provision of this chapter. [~~This~~
12 ~~section shall not apply to QUEST medical plans.~~]"

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken.

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

16
17 INTRODUCED BY: Celvin K. H. Song
18 BY REQUEST
JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS.

PURPOSE: The purpose of this bill is to delete the language in section 346-352, Hawaii Revised Statutes, that exempts the QUEST medical plans from the provisions of the section and thereby restricts access of medicaid recipients to immunosuppressant prescription drugs.

MEANS: Amend section 346-352, Hawaii Revised Statutes.

JUSTIFICATION: Act 241, Session Laws of Hawaii 2005, added a new part to chapter 346, Hawaii Revised Statutes, titled "MEDICAID PREAUTHORIZATION EXEMPTION", which consists of two sections codified as sections 346-351 and 346-352, Hawaii Revised Statutes. The proposed amendment to section 346-352 to remove the QUEST medical plans exemption from the provisions of the section will provide equal access when it comes to providing open, unrestricted access for patients who are medicaid recipients and who suffer from the human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or who are in need of immunosuppressives as a result of organ transplants and who have the least means available to obtain proper medications required to control their illnesses, regardless of whether they are in the Medicaid Fee-For-Service or the Medicaid QUEST programs.

Impact on the public: To provide open, unrestricted access for patients who are medicaid recipients and who suffer from the human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or who

are in need of immunosuppressives as a result of organ transplants and who have the least means available to obtain proper medications required to control their illnesses.

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.