

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2005
STATE OF HAWAII

H.B. NO. 30
H.D. 1
S.D. 1

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 Statutory material to be repealed is bracketed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.

PROPOSED

Report Title:

Medication; Immunosuppressants

Description:

Provides equal access for Medicaid patients with HIV, acquired immune deficiency syndrome, or hepatitis C, or who require immunosuppressives due to organ transplants, regardless of whether they are in the Medicaid fee for service or QUEST programs. (SD1)

