
A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATION.

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

1 SECTION 1. The legislature passed Act 239, Session Laws of
2 Hawaii 2005, in recognition of the importance of providing open
3 access to medications used to treat mental illness. Act 239,
4 Session Laws of 2005, applied to medicaid eligible individuals.
5 The legislature finds that Act 239 has improved the ability of
6 mentally ill persons to obtain treatment for mental illness.

7 The purpose of this Act is to improve access to
8 psychotropic medication for Hawaii medicaid clients.

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

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

14 "**§346- Psychotropic medication.** (a) The department
15 shall not impose any restriction or limitation on the coverage
16 for, or a recipient's access to, psychotropic medication;
17 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 "SECTION 5. This Act shall take effect on July 1, 2005,
2 and shall be repealed as it applies to QUEST plans only, on June
3 30, [~~2007.~~] 2008."

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 Statutory material to be repealed is bracketed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

6 SECTION 5. This Act shall take effect on July 1, 2006.



HB NO 3105 HD2
SD 2
CD1

Report Title:

Psychotropic Medication; Medicaid

Description:

Improves access to psychotropic medication for all participants in medicaid medical plans. (HB3105 CD1)

HB3105 CD1 HMS 2006-3826

