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# 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 utilized to treat mental illness. Act  
4 239, Session Laws of 2005, applied to medicaid eligible  
5 individuals. The legislature finds that Act 239 has improved  
6 the ability of mentally ill persons to obtain treatment for  
7 mental illness and further finds that all individuals  
8 participating in all Hawaii medicaid medical plans should have  
9 access to the same benefits.

10           The purpose of this Act is to improve access to  
11 psychotropic medication for participants in all Hawaii medicaid  
12 medical plans.

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

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



1           **"§346- Psychotropic medication.** (a) The department  
 2 shall not impose any restriction or limitation on the coverage  
 3 for, or a recipient's access to, psychotropic medication;  
 4 provided that the psychotropic medication shall be prescribed by  
 5 a licensed psychiatrist or by a [~~licensed~~] physician [~~in~~  
 6 ~~consultation with a psychiatrist~~] duly licensed in the State.

7           (b) As used in this section:

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

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

16           (c) This section shall [~~not~~] apply to [~~QUEST~~] all Hawaii  
 17 medicaid 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~~ all Hawaii  
13 medicaid medical plans.

14 SECTION 3. The department of human services shall report  
15 to the legislature no later than twenty days before the  
16 convening of the regular session of ~~[2007.]~~ 2008. The report  
17 shall include:

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

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



1 (3) The overall utilization under chapter 346, Hawaii  
2 Revised Statutes."

3 SECTION 3. Act 239, Session Laws of Hawaii 2005, is  
4 amended by amending section 5 to read as follows:

5 "SECTION 5. This Act shall take effect on July 1, 2005[  
6 ~~and shall be repealed on June 30, 2007~~]."

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

9 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Psychotropic Medication; Medicaid

**Description:**

Improves access to psychotropic medication for all participants in all medicaid medical plans. (SD2)

