

---

---

# A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATION.

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

1 SECTION 1. Act 239, Session Laws of Hawaii 2005, is  
2 amended by amending section 2 to read as follows:

3 "SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
4 amended by adding [~~two~~] a new [~~sections~~] section to be  
5 appropriately designated and to read as follows:

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

12 ~~(b)~~—As used in this section:

13 "Consultation" means communication by telephone,  
14 electronically, or face to face by a licensed psychiatrist and a  
15 licensed physician, during which the psychiatrist concurs with  
16 the prescription made. The psychiatrist's concurring opinion  
17 shall be documented in the recipient's medical record.



1       ~~"Psychotropic medication" means only those agents approved~~  
2 ~~by the United States Food and Drug Administration for the~~  
3 ~~treatment of mental or emotional disorders.]~~

4       (a) The department shall not restrict, by any prior or  
5 retroactive approval process, any restrictive formulary,  
6 therapeutic substitution, or preferred drug list or a  
7 physician's ability to treat a fee for service mental health  
8 consumer with psychotropic medications that has been approved  
9 and designated as safe and effective by the Food and Drug  
10 Administration, and which the physician, in the physician's  
11 professional judgment and within the lawful scope of the  
12 physician's practice, considers appropriate for the treatment of  
13 a mental health consumer.

14       ~~[(e)]~~ (b) This section shall not apply to QUEST medical  
15 plans.

16       ~~**[\$346— Pre-authorization exemption for psychotropic**~~  
17 ~~**medication.**~~ (a) A licensed physician may prescribe  
18 ~~psychotropic medication pursuant to the laws of this State to an~~  
19 ~~individual who is medicaid eligible without the requirement of~~  
20 ~~any preauthorization procedure otherwise required by any other~~  
21 ~~provision of this chapter; provided that the individual is in~~  
22 ~~need of emergency psychiatric or psychological service.~~



1 ~~(b) As used in this section:~~

2 ~~"Emergency psychiatric or psychological service" means~~  
3 ~~immediate administration or prescription of psychotropic~~  
4 ~~medication not to exceed seven days by a licensed physician is~~  
5 ~~required to avoid or mitigate significant adverse effects to the~~  
6 ~~individual's mental or emotional condition.~~

7 ~~"Psychotropic medication" means only those agents approved~~  
8 ~~by the United States Food and Drug Administration for the~~  
9 ~~treatment of mental or emotional disorders.~~

10 ~~(c) This section shall not apply to QUEST medical~~  
11 ~~plans." ] "~~

12 SECTION 2. Act 239, Session Laws of Hawaii 2005, is  
13 amended by repealing section 3.

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. The report shall~~  
17 ~~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~~





**Report Title:**

Psychotropic Medication; Open Access; Physicians

**Description:**

Establishes open access for a physician, in the physician's professional judgment and scope of legal practice, to treat a mental health consumer with FDA approved psychotropic medication when necessary. Repeals sunset date.

