

JAN 25 2006

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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 during the  
2 regular session of 2005 in recognition of the importance of  
3 providing open access to medications utilized to treat mental  
4 illness. Act 239 applied to individuals in the medicaid fee for  
5 service program. The legislature finds that Act 239 has been  
6 successful in treating mental illness and further finds that all  
7 medicaid and medicare recipients should have access to the same  
8 benefits.

9           The purpose of this Act is to improve access to  
10 psychotropic medication for participants in all medicaid and  
11 medicare plans.

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

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

17           "**§346- Psychotropic medication.** (a) The department  
18 shall not impose any restriction or limitation on the coverage



1 for, or a recipient's access to, psychotropic medication;  
2 provided that the psychotropic medication shall be prescribed by  
3 a licensed psychiatrist or by a licensed physician in  
4 consultation with a psychiatrist duly licensed in the State.

5 (b) As used in this section:

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

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

14 (c) This section shall [~~not~~] apply to [~~QUEST-medical~~] all  
15 medicaid and medicare 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~~] all  
11 medicaid and medicare plans."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

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**Report Title:**

Psychotropic Medication; Medicaid; Medicare

**Description:**

Improves access to psychotropic medication for all participants in all medicare and medicaid programs.

