
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
5 fee-for-service program. The legislature finds that Act 239 has
6 been successful in treating mental illness and further finds
7 that all medicaid and medicare recipients should have access to
8 the same 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 sections 2 and 3 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~~] all Hawaii
15 medicaid medical 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~~] all Hawaii
11 medicaid medical plans.

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

16 (1) The number of prescriptions written pursuant to this
17 Act;

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

21 (3) The overall utilization under chapter 346, Hawaii
22 Revised Statutes." "



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

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4 ~~and shall be repealed on June 30, 2007]~~."

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 Statutory material to be repealed is bracketed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

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



SB 3224, SD1

Report Title:

Psychotropic Medication; Medicaid

Description:

Improves access to psychotropic medication for all participants in all medicaid medical plans. (SD1)

