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# A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUG.

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

1           SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended  
2 by adding a new section to article 10A to be appropriately  
3 designated and to read as follows:

4           "§431:10A- Prescription drug prior authorization. (a)

5           No later than July 1, 2013, the commissioner shall develop a  
6           uniform prior authorization form for prescription drugs. The  
7           commissioner shall consult with health care insurance providers,  
8           prescribers, advanced practice registered nurses, physician  
9           assistants, and the pharmacy association when developing the  
10           uniform prior authorization form, and shall take into  
11           consideration existing prior authorization forms established by  
12           the federal Centers for Medicare and Medicaid Services and  
13           national standards pertaining to electronic prior authorization.

14           (b) The uniform prior authorization form shall meet the  
15           following criteria:

16           (1) The form shall be made electronically available by the  
17           commissioner, health care insurance providers,  
18           prescribers, and dispensers; and



1       (2) The completed form may be electronically submitted  
2               from prescribers to health care insurance providers.

3       (c) Notwithstanding any other law to the contrary,  
4 commencing January 1, 2014, health care insurance providers that  
5 provide prescription drug benefits shall accept only the uniform  
6 prior authorization form when requiring authorization for  
7 prescription drug benefits.

8       (d) Notwithstanding any other law to the contrary,  
9 commencing January 1, 2014, every prescriber shall use the  
10 uniform prior authorization form to request prior authorization  
11 coverage for prescription drug benefits and every health care  
12 insurance provider shall accept the form as sufficient to  
13 request prior authorization for prescription drug benefits.

14       (e) If a health care insurance provider fails to use or  
15 accept the uniform prior authorization form, or fails to respond  
16 within seventy-two hours upon receipt of a completed uniform  
17 prior authorization request from a prescriber, the prior  
18 authorization request shall be deemed to have been granted.

19       (f) For the purposes of this section:

20       "Dispenser" means any person authorized to dispense drugs  
21 in the State in accordance with section 328-91.



1       "Health care insurance provider" means any insurance  
2 company, fraternal benefit society, health care service plans,  
3 health maintenance organization, or any other entity delivering  
4 or issuing accident and health or sickness insurance, as defined  
5 in section 431:1-205.

6       "Prescriber" means any physician, dentist, dispenser,  
7 hospital, or other person or institution licensed and registered  
8 in the State to issue a prescription.

9       (g) The department of commerce and consumer affairs may  
10 adopt rules pursuant to chapter 91 to effectuate the purpose of  
11 this section."

12       SECTION 2. New statutory material is underscored.

13       SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Prior Authorization; Insurance; Prescription Drugs

**Description:**

Requires the insurance commissioner to develop a uniform prescription drug prior authorization form no later than July 1, 2013. Beginning January 1, 2014, requires the uniform prescription drug prior authorization form to be used by prescribers and health care insurance providers. Effective July 1, 2050. (HB1741 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

