
A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATIONS IN MEDICAID.

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

1 SECTION 1. The number of individuals who require treatment
2 for mental health issues is growing. Prescription medications
3 such as psychotropic drugs have become increasingly expensive
4 and are not always effective for every patient. With the
5 current difficult economic climate, alternatives must be
6 explored to implement cost-saving measures while preserving an
7 appropriate level of care.

8 In 2010, the twenty-fifth legislature passed House Bill No.
9 2774, which was enacted as Act 205. Part I of this act amended
10 section 346-59.9, Hawaii Revised Statutes, by allowing the
11 requirement of trials of generic antidepressant and anti-anxiety
12 medications before covering such brand name medications for new
13 prescriptions while still maintaining the requirement of medical
14 assistance coverage of brand name antipsychotic medications.
15 The result has been to preserve access to necessary medications
16 while encouraging the use of generic equivalents or
17 comparatively effective generic medications. However, Act 205

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1 has a repeal date of June 30, 2012, at which time section 346-
2 59.9 would be reenacted in the form in which it read on the day
3 prior to the act's effective date.

4 The purpose of this bill is to make permanent the
5 successful changes to the psychotropic medication statute by
6 repealing the sunset date in section 9 of Act 205 for section
7 346-59.9, Hawaii Revised Statutes.

8 SECTION 2. Act 205, Session Laws of Hawaii 2010, is
9 amended by amending section 9 to read as follows:

10 "SECTION 9. This Act shall take effect on July 1, 2010;
11 provided that on June 30, 2012, part II and part III of this Act
12 shall be repealed and [~~sections~~] section 346-15 [~~and 346-59.9~~],
13 Hawaii Revised Statutes, shall be reenacted in the form in which
14 [~~they~~] it read on the day prior to the effective date of this
15 Act; and provided further that section 6 of this Act shall take
16 effect retroactive to May 1, 2010."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on June 29, 2012.

20
21 INTRODUCED BY: Celine K. Au
22

BY REQUEST
JAN 23 2012

H.B. NO. 2535

Report Title:

Psychotropic Medications

Description:

Makes permanent previous changes to the psychotropic medication statute that ensure access to medically necessary psychotropic medications while allowing cost-effective strategies.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATIONS IN MEDICAID.

PURPOSE: To make permanent the successful changes to the psychotropic medication statute, section 346-59.9, Hawaii Revised Statutes, as approved in Act 205, Session Laws of Hawaii 2010.

MEANS: Amend section 9 of Act 205, Session Laws of Hawaii 2010.

JUSTIFICATION: In 2010, the Twenty-Fifth Legislature passed House Bill No. 2774, which was enacted as Act 205. Part I of this act amended section 346-59.9, Hawaii Revised Statutes, by allowing the requirement of trials of generic antidepressant and anti-anxiety medications before covering such brand name medications for new prescriptions while maintaining the requirement of medical assistance coverage of brand name antipsychotic medications. The result has been to preserve access to necessary medications while encouraging the use of generic equivalents or comparatively effective generic medications.

The Department of Human Services, in a report to the Legislature required by Act 205 on the implementation of the changes to section 346-59.9 in Act 205, found that the implementation of the revisions to the statute has been successful and no member complaints had been received by the Department of Human Services. However, the amendments to section 346-59.9, Hawaii Revised Statutes, are to be repealed on June 30, 2012, at which time section 346-59.9 is to be reenacted in the form in which it read on the day prior to the effective date of the Act.

Impact on the public: No impact is expected from continuing the current policy.

Impact on the department and other agencies: Allowing increased prescribing of comparably effective medications reduces expenditures without impacting health outcomes.

Controlling prescription costs through this measure reduces the need to decrease expenditures in other areas that might adversely impact health outcomes and improves the ability to increase access to prescription medications for those in programs with limited coverage.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HMS 401.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: June 29, 2012.