

ACT 39

H.B. NO. 426

A Bill for an Act Relating to Psychotropic Medication.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 346-59.9, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§346-59.9]~~ **Psychotropic medication.** (a) The department shall not impose any restriction or limitation on the coverage for, or a recipient’s access to, psychotropic medication; provided that the psychotropic medication shall be prescribed by a [licensed] psychiatrist ~~[or by a]~~, physician, or an advanced practice registered nurse with prescriptive authority under chapter 457, duly licensed in the State.

(b) The department shall report to the legislature no later than twenty days before the convening of each regular session on:

- (1) The number of prescriptions written pursuant to this section;
- (2) The cost and impact of psychiatrists, physicians, or advanced practice nurses prescribing medications, pursuant to this section, that are not part of the existing formulary; and
- (3) The overall use of psychotropic medication under chapter 346.

~~[(b)]~~ (c) As used in this section[~~;~~]:

“Psychotropic medication”<sup>2</sup>, “psychotropic medication” means only those agents approved by the United States Food and Drug Administration for the treatment of mental or emotional disorders.’’

SECTION 2. Act 239, Session Laws of Hawaii 2005, as amended by section 2<sup>1</sup> of Act 311, Session Laws of Hawaii 2006, is amended as follows:

1. By amending sections 4 and 5 to read:

“SECTION [4.] 3. New statutory material is underscored.

SECTION [5.] 4. This Act shall take effect on July 1, 2005[~~, and shall be repealed as it applies to QUEST plans only, on June 30, 2008.~~].”

2. By repealing section 3.

~~[[“SECTION 3. The department of human services shall report to the legislature no later than twenty days before the convening of the regular session of 2007, and annually thereafter. The report shall include:~~

- ~~(1) The number of prescriptions written pursuant to this Act;~~
- ~~(2) The cost and impact of psychiatrists or physicians prescribing medications pursuant to this Act that are not part of the existing formulary; and~~
- ~~(3) The overall utilization under chapter 346, Hawaii Revised Statutes.’’]~~

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved April 25, 2007.)

**Note**

- 1. So in original.