

ACT 92

H.B. NO. 1044

A Bill for an Act Relating to Prescription Drugs.

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

SECTION 1. Act 241, Session Laws of Hawaii 2005, added a new part to chapter 346, Hawaii Revised Statutes, entitled “Medicaid Preauthorization Exemption”, which consists of two sections codified as sections 346-351 and 346-352, Hawaii Revised Statutes, and which exempts physicians prescribing immunosuppressant medication under medicaid from preauthorization procedures. However, section 346-352, Hawaii Revised Statutes, excludes QUEST medical plans from this exemption and thereby restricts access of QUEST medicaid recipients to immunosuppressant medication.

The purpose of this Act is to delete the QUEST medical plans exclusion in section 346-352, Hawaii Revised Statutes. Deletion of this exclusion will provide equal access to medications for medicaid clients who suffer from human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or who need immunosuppressives as a result of organ transplants, regardless of whether they are in the medicaid fee-for-service or the medicaid QUEST program.

SECTION 2. Section 346-352, Hawaii Revised Statutes, is amended to read as follows:

“~~[(§)346-352]~~ **Preauthorization exemption for certain physicians.** Any physician licensed in this State who treats a medicaid recipient patient suffering from the human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or who is a patient in need of transplant immunosuppressives, may prescribe any medications approved by the United States Food and Drug Administration and that are eligible ~~[for]~~ pursuant to the Omnibus Budget Reconciliation Rebates Act ~~[(OBRA), that are]~~ and necessary to treat the condition, without having to comply with the requirements of any preauthorization procedure established by any other provision of this chapter. ~~[This section shall not apply to QUEST medical plans.]~~”

SECTION 3. The department of human services shall prepare and submit an economic impact assessment report, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the 2010, 2011, and 2012 regular sessions. The economic impact assessment report shall include information obtained from insurance providers who provide medicaid and QUEST coverage on the additional costs incurred as a result of providing access to immunosuppressant medication to QUEST patients suffering from the conditions as described in section 346-352, Hawaii Revised Statutes.

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

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SECTION 5. This Act shall take effect on January 1, 2008, and shall be repealed on July 1, 2013; provided that section 346-352, Hawaii Revised Statutes, shall be reenacted in the form in which it read on December 31, 2007.

(Approved May 23, 2007.)