# A BILL FOR AN ACT

RELATING TO PSYCHOTROPIC MEDICATION.

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

SECTION 1. The legislature passed Act 239, Session Laws of 1 Hawaii 2005, in recognition of the importance of providing open 2 access to medications used to treat mental illness. Act 239, 3 Session Laws of 2005, applied to medicaid eligible individuals. 4 The legislature finds that Act 239 has improved the ability of 5 mentally ill persons to obtain treatment for mental illness. The purpose of this Act is to improve access to 7 psychotropic medication for Hawaii medicaid clients. 8 SECTION 2. Act 239, Session Laws of Hawaii 2005, is 9 amended by amending sections 2 and 3 to read as follows: 10 "SECTION 2. Chapter 346, Hawaii Revised Statutes, is 11 amended by adding two new sections to be appropriately 12 designated and to read as follows: 13 Psychotropic medication. (a) The department 14 shall not impose any restriction or limitation on the coverage 15 for, or a recipient's access to, psychotropic medication; 16 provided that the psychotropic medication shall be prescribed by 17

1	a licensed psychiatrist of by a ( <del>licensed</del> ) physician ( <del>in</del>
2	consultation with a psychiatrist   duly licensed in the State.
3	(b) As used in this section:
4	["Consultation" means communication by telephone,
5	electronically, or face to face by a licensed psychiatrist and a
6	licensed physician, during which the psychiatrist concurs with
7	the prescription made. The psychiatrist's concurring opinion
8	shall be documented in the recipient's medical record.
9	"Psychotropic medication" means only those agents approved
10	by the United States Food and Drug Administration for the
11	treatment of mental or emotional disorders.
12	(c) This section shall not apply to QUEST medical plans.
13	\$346- Pre-authorization exemption for psychotropic
14	medication. (a) A licensed physician may prescribe
15	psychotropic medication pursuant to the laws of this State to an
16	individual who is medicaid eligible without the requirement of
17	any preauthorization procedure otherwise required by any other
18	provision of this chapter; provided that the individual is in
19	need of emergency psychiatric or psychological service.
20	(b) As used in this section:
21	"Emergency psychiatric or psychological service" means
22	immediate administration or prescription of psychotropic

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1	medication not to exceed seven days by a licensed physician is
2	required to avoid or mitigate significant adverse effects to the
3	individual's mental or emotional condition.
4	"Psychotropic medication" means only those agents approved
5	by the United States Food and Drug Administration for the
6	treatment of mental or emotional disorders.
7	(c) This section shall not apply to QUEST medical plans.
8	SECTION 3. The department of human services shall report
9	to the legislature no later than twenty days before the
10	convening of the regular session of 2007, and annually
11	thereafter. The report shall include:
12	(1) The number of prescriptions written pursuant to this
13	Act;
14	(2) The cost and impact of psychiatrists or physicians
15	prescribing medications pursuant to this Act that are
16	not part of the existing formulary; and
17	(3) The overall utilization under chapter 346, Hawaii
18	Revised Statutes.
19	SECTION 3. Act 239, Session Laws of Hawaii 2005, is

amended by amending section 5 to read as follows:

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- 1 "SECTION 5. This Act shall take effect on July 1, 2005,
- 2 and shall be repealed as it applies to QUEST plans only, on June
- **3** 30, [<del>2007.</del>] 2008."
- 4 SECTION 4. Statutory material to be repealed is bracketed
- 5 and stricken. New statutory material is underscored.
- 6 SECTION 5. This Act shall take effect on July 1, 2006.

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### Report Title:

Psychotropic Medication; Medicaid

#### Description:

Improves access to psychotropic medication for all participants in medicaid medical plans. (HB3105 CD1)