
A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

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

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



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

3 "[~~+~~]**§346-352**[~~+~~] **Preauthorization exemption for certain**
4 **physicians.** Any physician licensed in this State who treats a
5 medicaid recipient patient suffering from the human
6 immunodeficiency virus, acquired immune deficiency syndrome, or
7 hepatitis C, or who is a patient in need of transplant
8 immunosuppressives, may prescribe any medications approved by
9 the United States Food and Drug Administration and that are
10 eligible [~~for~~] pursuant to the Omnibus Budget Reconciliation
11 Rebates Act (OBRA), that are necessary to treat the condition,
12 without having to comply with the requirements of any
13 preauthorization procedure established by any other provision of
14 this chapter. [~~This section shall not apply to QUEST medical~~
15 ~~plans.~~]"

16 SECTION 3. The department of human services shall prepare
17 an economic impact assessment report including findings,
18 recommendations, and any proposed legislation, to the
19 legislature no later than twenty days prior to the convening of
20 the 2010, 2011, and 2012 regular sessions. The economic impact
21 assessment report shall include information obtained from
22 insurance providers who provide medicaid and QUEST coverage on



1 the additional costs incurred as a result of providing access to
2 immunosuppressant medication to QUEST patients suffering from
3 the conditions as described in section 346-352, Hawaii Revised
4 Statutes, under this Act.

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

7 SECTION 5. This Act shall take effect upon its approval,
8 and shall be repealed on July 1, 2013.



Report Title:

Medicaid; Immunosuppressant Medication

Description:

Provides equal access to immunosuppressant medication for Medicaid patients with HIV, AIDS, or Hepatitis C, or who require immunosuppressives due to organ transplants, regardless of whether they are in the Medicaid fee for service or QUEST programs. Requires economic impact assessment. Sunsets July 1, 2013. (HB1044 HD1)

