

# H.B. NO. 1360

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## 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, titled  
3 "Medicaid Preauthorization Exemption", which consists of two  
4 sections codified as sections 346-351 and 346-352, Hawaii  
5 Revised Statutes. Section 346-352 allows licensed physicians  
6 who treat medicaid recipient patients suffering from human  
7 immunodeficiency virus, acquired immune deficiency syndrome, or  
8 hepatitis C, or patients in need of transplant  
9 immunosuppressives, to prescribe medications that are approved  
10 by the United States Food and Drug Administration and that are  
11 eligible for rebates under the Omnibus Budget Reconciliation  
12 Rebates Act, that are necessary to treat the condition, without  
13 the need for preauthorization. The section excludes the QUEST  
14 medical plans from its provisions, and restricts access of  
15 medicaid recipients in QUEST medical plans to these medications.

16           The purpose of this Act is to remove the QUEST medical  
17 plans exclusion in section 346-352 to allow equal, unrestricted  
18 access to medications for medicaid clients who suffer from human

1 immunodeficiency virus, acquired immune deficiency syndrome, or  
2 hepatitis C, or who need immunosuppressives as a result of organ  
3 transplants, regardless of whether they are in the medicaid fee-  
4 for-service or the medicaid QUEST programs.

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

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

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken.

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

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INTRODUCED BY:

Calvin K. Day

BY REQUEST

JAN 22 2007

H. B. 1360

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS.

PURPOSE: The purpose of this bill is to remove the QUEST medical plans exemption to allow equal, unrestricted 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.

MEANS: Amend section 346-352, Hawaii Revised Statutes.

JUSTIFICATION: Act 241, Session Laws of Hawaii 2005, added a new part to chapter 346, Hawaii Revised Statutes, titled "Medicaid Preauthorization Exemption", which consists of two sections codified as sections 346-351 and 346-352, Hawaii Revised Statutes. The proposed amendment to section 346-352 to remove the QUEST medical plans exemption is to allow equal, unrestricted 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 programs.

Impact on the public: This bill will provide open, unrestricted access for patients who are medicaid recipients and who suffer from the human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or who are in need of immunosuppressives as a result of organ transplants and who have the least means available to obtain proper medications required to control their illnesses.

Impact on the department and other agencies:  
This proposed amendment would bring a standard of equal treatment to all of our State's medicaid clients.

GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM DESIGNATION: HMS 230  
OTHER AFFECTED AGENCIES: Department of Health.  
EFFECTIVE DATE: Upon approval.