

JAN 26 2022

A BILL FOR AN ACT

RELATING TO REPORTS TO THE LEGISLATURE FOR THE DEPARTMENT OF
HUMAN SERVICES.

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

1 SECTION 1. The purpose of this Act is to delete or revise
2 outdated or obsolete reporting requirements of the office of
3 youth services and the department of human services.

4 SECTION 2. Section 346-59.9, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§346-59.9 Psychotropic medication.** (a) This section
7 shall apply only to the medicaid managed care and fee-for-
8 service programs administered by the department when the
9 department or the department's contracted health plan is the
10 primary insurer. When the department is the secondary insurer,
11 the department and its contracted health plans shall be
12 responsible only for the secondary insurer's share of any
13 psychotropic medication covered by the primary insurer.

14 (b) The department and its contracted health plans shall
15 not impose any restriction or limitation on the coverage for, or
16 a recipient's access to, antipsychotic medication.

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1 (c) The department and its contracted health plans shall
2 not impose any restriction or limitation on the coverage for, or
3 a recipient's access to, antidepressant medication other than:

4 (1) Requiring that an individual must have two failed
5 attempts on a generic antidepressant medication to
6 receive coverage for a new brand-name antidepressant
7 prescription; and

8 (2) Requiring that if an individual does not have two
9 failed attempts on a generic antidepressant
10 medication, that individual shall receive coverage for
11 a brand-name antidepressant medication with prior
12 authorization by the contracted health plan; provided
13 that while a prior authorization request for a brand-
14 name antidepressant medication submitted by the
15 prescriber is pending, a supply of the prescribed
16 medication sufficient to last until the request is
17 resolved shall be covered if requested by the
18 prescriber.

19 For purposes of this subsection, a "failed attempt" means
20 that the prescribed generic antidepressant medication up to the
21 maximum FDA-approved dosage is not effective in treating the
22 individual, or the individual's compliance is compromised due to
23 the side effects caused by the medication.

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(d) The department and its contracted health plans shall not impose any restriction or limitation on the coverage for, or a recipient's access to, anti-anxiety medication other than:

(1) Requiring that an individual must have two failed attempts on a generic anti-anxiety medication to receive coverage for a new brand-name anti-anxiety prescription; and

(2) Requiring that if an individual does not have two failed attempts on a generic anti-anxiety medication, that individual shall receive coverage for a brand-name anti-anxiety medication with prior authorization by the contracted health plan; provided that while a prior authorization request for a brand-name anti-anxiety medication submitted by the prescriber is pending, a supply of the prescribed medication sufficient to last until the request is resolved shall be covered if requested by the prescriber.

For purposes of this subsection, a "failed attempt" means that the prescribed generic anti-anxiety medication up to the maximum FDA-approved dosage is not effective in treating the individual, or the individual's compliance is compromised due to the side effects caused by the medication.

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1 (e) The department and its contracted health plans shall
2 not require any individual stable on a brand-name antidepressant
3 medication on or before July 1, 2010, to transfer to a different
4 antidepressant medication, generic or brand-name, unless the
5 individual's condition becomes unstable and requires the
6 medication to be replaced.

7 (f) The department and its contracted health plans shall
8 not require any individual stable on a brand-name anti-anxiety
9 medication on or before July 1, 2010, to transfer to a different
10 anti-anxiety medication, generic or brand-name, unless the
11 individual's condition becomes unstable and requires the
12 medication to be replaced.

13 (g) The department and its medicaid managed care
14 contracted health plans shall have the authority to investigate
15 fraud, abuse, or misconduct.

16 ~~[(h) The department shall report to the legislature no~~
17 ~~later than twenty days before the convening of each regular~~
18 ~~session on:~~

19 ~~(1) The number of brand name and generic prescriptions~~
20 ~~written to which this section applies; and~~

21 ~~(2) The amount expended on brand name prescriptions and~~
22 ~~the amount expended on generic prescriptions written~~
23 ~~each fiscal year to which this section applies.]~~

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1 ~~[(+i)]~~ (h) All psychotropic medications covered by this
2 section shall be prescribed by a psychiatrist, a physician, or
3 an advanced practice registered nurse with prescriptive
4 authority under chapter 457 and duly licensed in the State.

5 ~~[(+j)]~~ (i) As used in this section:

6 "Anti-anxiety medication" means those medications included
7 in the United States Pharmacopeia's anxiolytic therapeutic
8 category.

9 "Antidepressant medication" means those medications
10 included in the United States Pharmacopeia's antidepressant
11 therapeutic category.

12 "Antipsychotic medication" means those medications included
13 in the United States Pharmacopeia's antipsychotic therapeutic
14 category.

15 "Psychotropic medication" means only antipsychotic,
16 antidepressant, or anti-anxiety medications approved by the
17 United States Food and Drug Administration for the treatment of
18 mental or emotional disorders."

19 SECTION 3. Section 346-54, Hawaii Revised Statutes, is
20 repealed.

21 [~~"§346-54 Report to the legislature. On or before~~
22 ~~January 1 of odd-numbered years the director shall submit a~~

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~~report to the legislature concerning the adequacy of the
assistance allowance established by this chapter.~~

~~In addition, should general fund expenditures for financial
assistance and medical payment increase at a rate greater than
the rate of increase in general fund tax revenues in any fiscal
year, the director shall report such increases to the
legislature and make cost control recommendations that will
control increases in general fund public assistance
expenditures. Cost control recommendations shall include, but
not be limited to, the following:~~

- ~~(1) Changes in eligibility standards;~~
- ~~(2) Adjustments to the assistance allowance;~~
- ~~(3) Alternatives to financial assistance for meeting the
needs essential to maintaining an adequate standard of
living; and~~
- ~~(4) Adjustments to medical payment fees and levels of
service."]~~

~~SECTION 4. Act 281, Session Laws of Hawaii 2006, is
amended by repealing section 6.~~

~~["SECTION 6. The office of youth services, the department
of education, and the counties' parks and recreation departments
shall convene annually to share information on the best
practices and outcomes. The office of youth services shall~~

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1 ~~submit to the legislature an annual report on the programs~~
2 ~~funded under this Act no later than twenty days prior to the~~
3 ~~convening of each regular session, beginning with the regular~~
4 ~~session of 2007."]~~

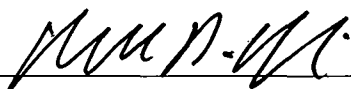
5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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Report Title: Department of Human Services; Legislative Reports.

Description:

Removes outdated reporting requirements for the Department of Human Services, including the Office of Youth Services.
Effective upon approval.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

SB. NO. 3109

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO REPORTS TO THE LEGISLATURE FOR THE DEPARTMENT OF HUMAN SERVICES.

PURPOSE: To remove outdated or obsolete annual reporting requirements of the Department of Human Services, including those for the Office of Youth Services.

MEANS: Amends section 346-59.9, Hawaii Revised Statutes (HRS), by deleting subsection(h); repeals section 346-54, HRS, and section 6 of Act 281, Session Laws of Hawaii (SLH) 2006.

JUSTIFICATION: The proposal deletes section 346-59.9(h), HRS, that requires reporting on brand-name and generic psychotropic prescriptions and the amount expended on each. Reporting from the last 10 years indicates positive trends that meet the intent of Act 205, SLH 2010, to maintain access to psychotropic medications and explore cost savings through use of generic brands. The report does not serve a useful purpose as the information is not used for decision making or any other purpose. Removal of the reporting requirement will not impact the remainder of section 346-59.9, HRS.

The proposal deletes section 346-54, HRS, in its entirety. Since the section was last revised by Act 137, SLH 1988, there have been major changes to federal financial assistance and health care programs, rendering the information requested no longer relevant to determine the adequacy of the assistance allowance as provided in chapter 346, HRS. Additionally, modification to existing programs based on general fund adequacy is handled through the budget process, or an emergency appropriation if there is a revenue short fall in the current fiscal year.

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The report required by section 6 of Act 281, SLH 2006, to be submitted to the Legislature by the Office of Youth Services is no longer necessary as the programs identified are no longer funded or implemented.

Impact on the public: The public will not be impacted by deleting the reporting requirements. Updating the law will clarify the current state of the law and reduce confusion.

Impact on the department and other agencies: Removing the reporting requirements will reduce the administrative burden on the department and improve efficiencies.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	None.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.