

A Bill for an Act Relating to Psychotropic Medication.

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

SECTION 1. It is estimated that the most serious and disabling mental health conditions affect five to ten million adults and three to five million children in the United States. The consequences of mental illness for an individual and society are staggering. It can result in unnecessary disability, unemployment, substance abuse, homelessness, incarceration, and suicide. It is estimated that the economic cost of untreated mental illness in the United States exceeds one billion dollars each year.

According to the National Alliance for the Mentally Ill, mental illnesses are treatable. Mental illnesses are biologically based brain disorders and most people with serious mental illness need medication to help control symptoms. Treatments for serious mental illness today are highly effective; between seventy and ninety per cent of individuals have significant reduction of symptoms and improved quality of life with a combination of pharmacological and psychosocial treatment and supports.

However, treatment failures or breaks can lead to irreparable harm. The process of preauthorization of medicaid recipients before a licensed psychiatrist or physician can dispense medication to treat mental illness is difficult and time-consuming and can cause permanent injury to the patient in need. Many states have established cost controls to combat the rising cost of prescription medication. The legislature finds that while restrictions may reduce expenditures on drugs, the savings are offset by increases in service substitution costs elsewhere in the system.

The purpose of this Act is to improve access to psychotropic medication for a medicaid eligible person with a mental illness.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**“§346- Psychotropic medication.** (a) The department shall not impose any restriction or limitation on the coverage for, or a recipient’s access to, psychotropic medication; provided that the psychotropic medication shall be prescribed by a licensed psychiatrist or by a licensed physician in consultation with a psychiatrist duly licensed in the State.

(b) As used in this section:

“Consultation” means communication by telephone, electronically, or face to face by a licensed psychiatrist and a licensed physician, during which the psychiatrist concurs with the prescription made. The psychiatrist’s concurring opinion shall be documented in the recipient’s medical record.

“Psychotropic medication” means only those agents approved by the United States Food and Drug Administration for the treatment of mental or emotional disorders.

(c) This section shall not apply to QUEST medical plans.

**§346- Pre-authorization exemption for psychotropic medication.** (a) A licensed physician may prescribe psychotropic medication pursuant to the laws of this State to an individual who is medicaid eligible without the requirement of any preauthorization procedure otherwise required by any other provision of this chapter; provided that the individual is in need of emergency psychiatric or psychological service.

(b) As used in this section:

“Emergency psychiatric or psychological service” means immediate administration or prescription of psychotropic medication not to exceed seven days by a licensed physician is required to avoid or mitigate significant adverse effects to the individual’s mental or emotional condition.

“Psychotropic medication” means only those agents approved by the United States Food and Drug Administration for the treatment of mental or emotional disorders.

(c) This section shall not apply to QUEST medical plans.”

SECTION 3. The department of human services shall report to the legislature no later than twenty days before the convening of the regular session of 2007. The report shall include:

- (1) The number of prescriptions written pursuant to this Act;
- (2) The cost and impact of psychiatrists or physicians prescribing medications pursuant to this Act that are not part of the existing formulary; and
- (3) The overall utilization under chapter 346, Hawaii Revised Statutes.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2005, and shall be repealed on June 30, 2007.

(Became law on July 12, 2005, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

**Note**

1. Edited pursuant to HRS §23G-16.5.