

ACT 120

S.B. NO. 2797

A Bill for an Act Relating to Psychotropic Medications in Medicaid.

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

SECTION 1. The number of individuals who require treatment for mental health issues is growing. Prescription medications such as psychotropic drugs have become increasingly expensive and are not always effective for every patient. With the current difficult economic climate, alternatives must be explored to implement cost-saving measures while preserving an appropriate level of care.

In 2010, the twenty-fifth legislature passed House Bill No. 2774, which was enacted as Act 205, Session Laws of Hawaii 2010. Part I of Act 205 amended section 346-59.9, Hawaii Revised Statutes, by allowing the requirement of trials of generic antidepressant and anti-anxiety medications before covering such brand name medications for new prescriptions while still maintaining the requirement of medical assistance coverage of brand name antipsychotic medications. The result has been to preserve access to necessary medications while encouraging the use of generic equivalents or comparatively effective generic medications. However, Act 205 has a repeal date of June 30, 2012, at which time

section 346-59.9 would be reenacted in the form in which it read on the day prior to the act's effective date.

The purpose of this Act is to make permanent the successful changes to the psychotropic medication statute by repealing the sunset date for those provisions in section 9 of Act 205.

SECTION 2. Act 205, Session Laws of Hawaii 2010, is amended by amending section 9 to read as follows:

“SECTION 9. This Act shall take effect on July 1, 2010; provided that on June 30, 2012, part II and part III of this Act shall be repealed and ~~[sections]~~ section 346-15 ~~[and 346-59.9]~~, Hawaii Revised Statutes, shall be reenacted in the form in which ~~[they]~~ it read on the day prior to the effective date of this Act; and provided further that section 6 of this Act shall take effect retroactive to May 1, 2010.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 2012.

(Approved June 15, 2012.)