A BILL FOR AN ACT

RELATING TO PRESCRIPTION DRUGS.

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

SECTION 1. 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. Section 346-352 allows licensed physicians who treat medicaid recipient patients suffering from human immunodeficiency virus, acquired immune deficiency syndrome, or hepatitis C, or patients in need of transplant immunosuppressives, to prescribe medications that are approved by the United States Food and Drug Administration and that are eligible for rebates under the Omnibus Budget Reconciliation Rebates Act, that are necessary to treat the condition, without the need for preauthorization. The section excludes the QUEST medical plans from its provisions, and restricts access of medicaid recipients in QUEST medical plans to these medications. The purpose of this Act is to remove the QUEST medical plans exclusion in section 346-352 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.

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

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

SECTION 3. Statutory material to be repealed is bracketed and stricken.
SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]

BY REQUEST

JAN 22 2007
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.