

Honolulu, Hawaii

Ag-126, 2010

RE: H.B. No. 2774  
H.D. 2  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2774, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HUMAN SERVICES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to help maintain the level of services in programs administered by the Department of Human Services (DHS) by, among other things:

- (1) Requiring DHS to include certain provisions regarding co-payments, prescription drug formularies, and medical necessity coverage in all contracts with managed-care organizations for the provision of Medicaid benefits under the QUEST program;
- (2) Specifying requirements for the provision of psychotropic medication to patients covered under the QUEST, QUEST

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Expanded Access, and certain fee-for-service programs administered by DHS;

- (3) Allowing DHS to issue death benefits in an amount equal to the Social Security Administration's lump-sum death benefit for qualifying individuals; and
- (4) Prohibiting DHS from expending funds appropriated for Medicaid on any programs not specifically related to Medicaid or not authorized by the Legislature.

Your Committee on Conference has amended this bill by:

- (1) Deleting the provisions that require DHS to include certain provisions regarding co-payments, prescription drug formularies, and medical necessity coverage in all contracts with managed-care organizations for the provision of Medicaid benefits under the QUEST program;
- (2) Prohibiting DHS from imposing any restriction or limitation on the coverage for, or a recipient's access to anti-anxiety medication with specified exceptions;
- (3) Requiring prior authorization by the contracted health plan rather than the prescriber for coverage of a brand-name antidepressant or anti-anxiety medication if the individual does not have two failed attempts on a generic medication;
- (4) Requiring that a supply of the prescribed antidepressant or anti-anxiety medication sufficient to last until a prior authorization request is resolved be covered, rather than a three-day supply;
- (5) Specifying that a "failed attempt" refers to the prescribed generic antidepressant or anti-anxiety medication up to the maximum FDA-approved dosage;
- (6) Deleting language that stated that measures to ensure patient safety shall not constitute a restriction or limitation on the coverage for, or a recipient's access to antidepressant or anti-anxiety medication;
- (7) Authorizing DHS and its QUEST contracted health plans to investigate fraud, abuse, or misconduct;



- (8) Requiring DHS, in conjunction with health care providers, health care plans, and mental health advocates to submit a report detailing the status of the implementation of the changes to psychotropic medication regulations, including specified information, to the 2011 Legislature;
- (9) Inserting a ceiling of \$5,000,000 on funds DHS may spend on the Hawaii Premium Plus Program for nine months beginning on May 1, 2010;
- (10) Inserting a two-year sunset date of June 30, 2012;
- (11) Changing the effective date to July 1, 2010; and
- (12) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2774, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2774, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

*Suzanne Chun Oakland*  
 SUZANNE CHUN OAKLAND, Chair

*David Y. Ice*  
 DAVID Y. ICE, Co-Chair

*Shan S. Tsutsui*  
 SHAN S. TSUTSUI, Co-Chair

*John M. Mizuno*  
 JOHN M. MIZUNO, Co-Chair

*Ryan I. Yamane*  
 RYAN I. YAMANE, Co-Chair

*Marcus R. Oshiro*  
 MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature

CCR 159-10

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: HB 2774, HD 2, SD 2	Date/Time: 4/23/10, 9:10 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	/				MIZUNO, John M., Co-Chr.	/			
IGE, David Y., Co-Chr.	/				YAMANE, Ryan I., Co-Chr.	/			
TSUTSUI, Shan S., Co-Chr.	/				OSHIRO, Marcus R., Co-Chr.	/			
BAKER, Rosalyn H.	/				CHONG, Pono	/			
GREEN, Josh, M.D.	/				WARD, Gene	/			
TOTAL	5	0	0	0	TOTAL	5	0	0	0

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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Distribution:      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency