

**REPORT TO THE TWENTY-THIRD HAWAII STATE  
LEGISLATURE 2006**

**IN ACCORDANCE WITH THE PROVISIONS OF ACT 239,  
RELATING TO PSYCHOTROPIC MEDICATION,  
SESSION LAWS HAWAII 2005**

**DEPARTMENT OF HUMAN SERVICES  
MED-QUEST DIVISION  
DECEMBER 2005**

**REPORT ON ACT 239, RELATING TO PSYCHOTROPIC MEDICATION,  
SESSION LAWS HAWAII 2005**

Act 239, Relating to Psychotropic Medication, Session Laws Hawaii 2005, requires the Department of Human Services to report on: (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, HRS.

The stated purpose of Act 239 is to improve access to psychotropic medication for a Medicaid-eligible person with a mental illness.

Act 239 requires that the Department of Human Services (DHS) 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. It also allows the licensed physician to prescribe psychotropic medication to individuals who are Medicaid-eligible without a preauthorization procedure if the individual is in need of emergency psychiatric or psychological service and medication. The emergency supply that may be dispensed was increased from 72 hours to a maximum of seven (7) days. Lastly, this Act exempts the QUEST medical plans from this Act.

A provider memorandum was issued on October 28, 2005, providing instructions on how to access psychotropic medications in compliance with the Act retroactive to July 1, 2005.

Psychotropic medications were already available to Medicaid recipients through previously established processes. The implementation of this Act will allow another method by which psychotropic medication can be accessed. Non-psychiatrist physicians can obtain a psychiatric consult and prescribe the psychotropic medication or submit a prior authorization request. In addition, selection of a psychotropic medication from the State's Preferred Drug List (PDL) will also allow a non-psychiatrist access to psychotropic medications.