EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Re: House Bill No. 3105 HD2 SD2 CD1

On July 11, 2006, House Bill No. 3105, entitled "A Bill for an Act Relating to Psychotropic Medication" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill is intended to provide equal access to psychotropic medication for Medicaid patients, regardless of whether the patient is covered by a fee-for-service plan or a QUEST managed-care plan.

While this portion of the bill is laudable, the measure goes too far in allowing a physician to prescribe a psychotropic medication without the required consultation with a psychiatrist. The field of psychotropic medicine is specialized and requires knowledge of the interaction of various drugs with each other as well, as with other medications a patient may be taking.

The current statute allowed for the consultation to take place by telephone, electronically, or via a face-to-face discussion and did not appear to place an undue burden on the attending physician. Further, the law now allows for the concurrent psychiatrist's opinion to be documented in the recipient's medical records, thereby allowing future medical service providers to understand the rationale used in issuing the prescription. Failure to document these decisions could cause harm to the patient in later years and does not appear to be medically prudent.

Finally, the bill eliminates the requirement that only those agents approved by the United State Food and Drug Administration for the treatment of mental and emotional disorders may be prescribed. This deletion in the governing statute raises concerns as to what medications can be prescribed and what safety considerations will be applicable to these medications.

For the foregoing reasons, I allowed House Bill No. 3105 to become law as Act 311 effective July 11, 2006 without my signature.

Sincerely,

LINDA LINGLE