

Substitute for SENATE BILL No. 422

By Committee on Ways and Means

2-28

AN ACT concerning reimbursement by the department of social and rehabilitation services for certain drugs; relating to the medicaid pharmacy programs; changing certain rules and regulations requirements; amending K.S.A. 39-7,120 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Except where a prescriber has personally written “dispense as written” or “D.A.W.,” or has signed the prescriber’s name on the “dispense as written” signature line in accordance with K.S.A. 65-1637 and amendments thereto, the department of social and rehabilitation services may limit reimbursement for a prescription under the medicaid program to the multisource generic equivalent drug.

(b) No pharmacist participating in the medical assistance program shall be required to dispense a prescription-only drug that will not be reimbursed by the medical assistance program.

Sec. 2. K.S.A. 39-7,120 is hereby amended to read as follows: 39-7,120. (a) *Except as provided in subsection (b)*, the department of social and rehabilitation services shall not restrict patient access to prescription-only drugs pursuant to a program of prior authorization or a restrictive formulary except by rules and regulations adopted in accordance with K.S.A. 77-415 *et seq. and amendments thereto*. Prior to the promulgation of any such rules and regulations, the department shall submit such proposed rules and regulations to the medicaid drug utilization review board for written comment. *The department may implement permanent prior authorization 30 days after receipt of comments by the drug utilization review board.*

(b) *The department may impose temporary prior authorization on any prescription-only drug for a period of no more than 120 days without the adoption of rules and regulations as required in subsection (a) of this section. Such prior authorization shall first be presented to the drug utilization review board and placed on the agenda of the board for public oral and written comment at the next regularly scheduled meeting. Notice of such prior authorization and any approval criteria shall be provided in writing to those persons who have requested notice of drug utilization review board meetings, drug manufacturers of the products affected by*

1 *the prior authorization and recognized physician and pharmacist asso-*
2 *ciations in Kansas. Following the public comment, the board shall make*
3 *a recommendation whether to temporarily place prior authorization on a*
4 *prescription-only drug which may include suggested approval criteria.*
5 *The department may impose the prior authorization on such drug, in-*
6 *cluding approval criteria, 30 days after receipt of comments by the drug*
7 *utilization review board. Written notice of the temporary prior authori-*
8 *zation shall be provided by the department to the joint committee on rules*
9 *and regulations.*

10 Sec. 3. K.S.A. 39-7,120 is hereby repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the Kansas register.

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