

SENATE BILL No. 290

By Committee on Ways and Means

3-7

9 AN ACT concerning promulgation of rules and regulations by the sec-
10 retary of social and rehabilitation services; relating to the prior au-
11 thorization program; amending K.S.A. 2004 Supp. 39-7,120 and re-
12 pealing the existing section.
13

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

15 Section 1. K.S.A. 2004 Supp. 39-7,120 is hereby amended to read as
16 follows: 39-7,120. (a) The secretary of social and rehabilitation services
17 ~~shall not may~~ restrict patient access to prescription-only drugs pursuant
18 to a program of prior authorization or a restrictive formulary ~~except by~~
19 ~~rules and regulations adopted in accordance with K.S.A. 77-415 et seq.,~~
20 ~~and amendments thereto. Prior to the promulgation of any such rules and~~
21 ~~regulations, the secretary of social and rehabilitation services shall submit~~
22 ~~such proposed rules and regulations to the medicaid drug utilization re-~~
23 ~~view board for written comment.~~ The secretary of social and rehabilitation
24 services may not implement permanent prior authorization until 30 days
25 after receipt of comments by the drug utilization review board.

26 (b) When considering recommendations from the medicaid drug util-
27 ization review board regarding the prior authorization of a drug, the sec-
28 retary of social and rehabilitation services shall consider the net economic
29 impact of such prior authorization, including, but not limited to, the costs
30 of specific drugs, rebates or discounts pursuant to 42 U.S.C. 1396r-8,
31 dispensing costs, dosing requirements and utilization of other drugs or
32 other medicaid health care services which may be related to the prior
33 authorization of such drug.

34 Sec. 2. K.S.A. 2004 Supp. 39-7,120 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the statute book.