

SENATE BILL No. 181

By Committee on Public Health and Welfare

2-10

1 AN ACT concerning restrictions of patient access to prescription-only
2 drugs under medicaid; amending K.S.A. 2014 Supp. 39-7,120 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 39-7,120 is hereby amended to read as
7 follows: 39-7,120. (a) The secretary of health and environment ~~shall not~~
8 ~~restrict patient access to prescription-only drugs pursuant to a program of~~
9 ~~prior authorization or a restrictive formulary except by rules and~~
10 ~~regulations adopted in accordance with K.S.A. 75-5625, and amendments~~
11 ~~thereto. Prior to the promulgation of any such rules and regulations, the~~
12 ~~secretary of health and environment shall submit such proposed rules and~~
13 ~~regulations to the medicaid drug utilization review board for written~~
14 ~~comment~~ *may submit any new prescription-only drug to the medicaid drug*
15 *utilization review board for its review and comment. The secretary may*
16 *place a hold on the use of any new prescription-only drug until after the*
17 *medicaid drug utilization review board has completed its review. The*
18 *secretary of health and environment may not implement permanent prior*
19 *authorization until 30 days after receipt of comments by the drug*
20 *utilization review board.*

21 (b) When considering recommendations from the medicaid drug
22 utilization review board regarding the prior authorization of a drug, the
23 secretary of health and environment shall consider the net economic
24 impact of such prior authorization, including, but not limited to, the costs
25 of specific drugs, rebates or discounts pursuant to 42 U.S.C. § 1396r-8,
26 dispensing costs, dosing requirements and utilization of other drugs or
27 other medicaid health care services which may be related to the prior
28 authorization of such drug.

29 Sec. 2. K.S.A. 2014 Supp. 39-7,120 is hereby repealed.

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