

**SENATE BILL No. 436**

By Committee on Ways and Means

3-5

1 AN ACT concerning health and healthcare; relating to the Kansas medical  
2 assistance program; providing coverage for tobacco cessation  
3 treatments.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) The department of health and environment and any  
7 managed care organization providing state medicaid services under the  
8 Kansas medical assistance program shall provide coverage for tobacco  
9 cessation treatments as follows:

10 (1) The Kansas medical assistance program shall provide coverage  
11 and shall reimburse any participating healthcare provider for tobacco  
12 cessation treatments for any state medicaid recipient, including: Any  
13 United States food and drug administration-approved medication  
14 prescribed as a tobacco cessation treatment; and individual, group or  
15 telephone counseling for tobacco cessation, as defined by the United States  
16 centers for medicare and medicaid services for purposes of medicaid  
17 reimbursement.

18 (2) A recipient of state medicaid services shall not be limited in the  
19 number of covered tobacco cessation attempts for counseling treatments,  
20 whether on an annual, lifetime or other basis, but shall be limited to four  
21 covered tobacco cessation attempts per year for medication treatments.

22 (3) The department of health and environment and any managed care  
23 organization shall not impose prior authorization requirements upon any  
24 treatments prescribed or ordered by a participating healthcare provider for  
25 tobacco cessation purposes.

26 (4) The department of health and environment and any managed care  
27 organization shall not impose any copayment or other out-of-pocket cost  
28 sharing for tobacco cessation treatments for a state medicaid recipient,  
29 including any deductible.

30 (b) The department of health and environment shall implement and  
31 administer this section consistent with applicable federal laws and  
32 regulations and shall submit to the United States centers for medicare and  
33 medicaid services any state medicaid plan amendment, waiver request or  
34 other approval request necessary to implement this section.

35 (c) The department of health and environment shall adopt rules and  
36 regulations as may be necessary to implement and administer this section.

1       Sec. 2. This act shall take effect and be in force from and after its  
2       publication in the statute book.