

**SENATE BILL No. 438**

By Committee on Ways and Means

3-7

1 AN ACT concerning health and healthcare; relating to the Kansas medical  
2 assistance program; removing prior authorization requirements for  
3 medicaid recipients receiving treatment from certain providers;  
4 amending K.S.A. 2017 Supp. 39-7,121b and repealing the existing  
5 section.  
6

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

8 Section 1. K.S.A. 2017 Supp. 39-7,121b is hereby amended to read as  
9 follows: 39-7,121b. (a) No requirements for prior authorization or other  
10 restrictions on medications used to treat mental illnesses ~~may~~ shall be  
11 imposed on medicaid recipients, except on medications subject to  
12 guidelines developed by the medicaid drug utilization review board  
13 according to subsection (b). None of the following shall be construed as  
14 restrictions under this subsection:

15 (1) Any alert to a pharmacist that does not deny the claim and can be  
16 overridden by the pharmacist;

17 (2) prescriber education activities; or

18 (3) the consolidation of dosing regimens to equivalent doses.

19 (b) The mental health medication advisory committee shall provide  
20 recommendations to the medicaid drug utilization review board for the  
21 purpose of developing guidelines. The medicaid drug utilization review  
22 board may accept the recommendations of the mental health medication  
23 advisory committee in whole and such recommendations shall take effect  
24 immediately upon such approval. The medicaid drug utilization review  
25 board may reject the recommendations of the mental health medication  
26 advisory committee in whole and such recommendations shall be referred  
27 back to the mental health medication advisory committee for further  
28 consideration. No medication guidelines related to mental health  
29 medications shall be adopted by the medicaid drug utilization review  
30 board without recommendations made by the mental health medication  
31 advisory committee.

32 (c) ~~For the medications used to treat mental illness that are available~~  
33 ~~for use on July 1, 2015, the medicaid drug utilization review board shall~~  
34 ~~review all such medications prior to July 1, 2016. For medications used to~~  
35 ~~treat mental illness that do not exist on July 1, 2015, but are later~~  
36 ~~developed or believed to be effective in the treatment of mental illness, the~~

1   medicaid drug utilization board shall review all such medications within  
2   six months of presentation to the medicaid drug utilization review board.

3   (d) The mental health medication advisory committee is hereby  
4   established.

5   (1) The mental health medication advisory committee shall be  
6   appointed by the secretary of health and environment and consist of nine  
7   members, including: The secretary of health and environment, or the  
8   secretary's designee, who shall be the chair of the committee; two persons  
9   licensed to practice medicine and surgery with board certification in  
10   psychiatry nominated by the Kansas psychiatric society, one of whom  
11   specializes in geriatric mental health; two persons licensed to practice  
12   medicine and surgery with board certification in psychiatry nominated by  
13   the association of community mental health centers of Kansas, one of  
14   whom specializes in pediatric mental health; two pharmacists nominated  
15   by the Kansas pharmacists association; one person licensed to practice  
16   medicine and surgery nominated by the Kansas medical society; and one  
17   advanced practice registered nurse engaged in a role of mental health  
18   nominated by the Kansas state nurses association. All nominating bodies  
19   shall provide two nominees for each position for which they provide  
20   nominations, with the secretary selecting the appointee from the provided  
21   nominees.

22   (2) The mental health medication advisory committee shall meet  
23   upon the request of the chair of the mental health medication advisory  
24   committee, but shall meet at least one time each *calendar* quarter.

25   (3) Members of the mental health medication advisory committee are  
26   entitled to compensation and expenses as provided in K.S.A. 75-3223, and  
27   amendments thereto. Members of the committee attending committee  
28   meetings shall be paid mileage and all other applicable expenses, provided  
29   such expenses are consistent with policies established by the secretary of  
30   health and environment.

31   (e) *Notwithstanding the provisions of subsection (a), no requirements*  
32   *for prior authorization or other restrictions on medications used to treat*  
33   *mental illnesses shall be imposed on medicaid recipients who are*  
34   *receiving services from or are being treated by:*

35   (1) *Any private treatment facility, as defined in K.S.A. 59-29b46, and*  
36   *amendments thereto;*

37   (2) *any public treatment facility, as defined in K.S.A. 59-29b46, and*  
38   *amendments thereto;*

39   (3) *any community mental health center organized pursuant to K.S.A.*  
40   *19-4001 through 19-4015, and amendments thereto, and licensed pursuant*  
41   *to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto;*

42   (4) *any mental health clinic organized pursuant to K.S.A. 65-211*  
43   *through 65-215, and amendments thereto, and licensed pursuant to K.S.A.*

1 *2017 Supp. 39-2001 et seq., and amendments thereto;*

2 *(5) any psychiatric hospital, as defined in K.S.A. 2017 Supp. 39-*  
3 *2002, and amendments thereto;*

4 *(6) any psychiatric residential treatment facility, as defined in K.S.A.*  
5 *2017 Supp. 39-2002, and amendments thereto; or*

6 *(7) Osawatomie state hospital or Larned state hospital.*

7 Sec. 2. K.S.A. 2017 Supp. 39-7,121b is hereby repealed.

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