

1 AN ACT relating to prior authorizations.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 304.17A-611 is amended to read as follows:

4 **(1)** A utilization review decision shall not retrospectively deny coverage for health care
5 services provided to a covered person when prior approval has been obtained from
6 the insurer or its designee for those services, unless the approval was based upon
7 fraudulent, materially inaccurate, or misrepresented information submitted by the
8 covered person, authorized person, or the provider.

9 **(2)** ***An insurer shall not require or conduct a prospective or concurrent review for a***
10 ***prescription drug that:***

11 **(a)** ***Is used in the treatment of opioid use disorder; and***

12 **(b)** ***Contains Methadone, Buprenorphine, or Naltrexone.***

13 ➔Section 2. KRS 205.536 is amended to read as follows:

14 (1) A Medicaid managed care organization shall have a utilization review plan, as
15 defined in KRS 304.17A-600, that meets the requirements established in 42 C.F.R.
16 pts. 431, 438, and 456. If the Medicaid managed care organization utilizes a private
17 review agent, as defined in KRS 304.17A-600, the agent shall comply with all
18 applicable requirements of KRS 304.17A-600 to 304.17A-633.

19 (2) In conducting utilization reviews for Medicaid benefits, each Medicaid managed
20 care organization shall use the medical necessity criteria selected by the Department
21 of Insurance pursuant to KRS 304.38-240, for making determinations of medical
22 necessity and clinical appropriateness pursuant to the utilization review plan
23 required by subsection (1) of this section.

24 **(3)** ***The Department for Medicaid Services or any managed care organization***
25 ***contracted to provide Medicaid benefits pursuant to KRS Chapter 205 shall not***
26 ***require or conduct a prospective or concurrent review, as defined in KRS***
27 ***304.17A-600, for a prescription drug that:***

1 *(a) Is used in the treatment of opioid use disorder; and*

2 *(b) Contains Methadone, Buprenorphine, or Naltrexone.*

3 ➔Section 3. This Act takes effect January 1, 2020.