

**205.536 Utilization review -- Prohibition against prospective or concurrent review of prescription drug for alcohol or opioid use disorder -- Construction. (Effective January 1, 2028)**

- (1) Except as provided in subsection (4) of this section, a Medicaid managed care organization shall have a utilization review plan, as defined in KRS 304.17A-600, that meets the requirements established in 42 C.F.R. pts. 431, 438, and 456. If the Medicaid managed care organization utilizes a private review agent, as defined in KRS 304.17A-600, the agent shall comply with all applicable requirements of KRS 304.17A-600 to 304.17A-633.
- (2) In conducting utilization reviews for Medicaid benefits, each Medicaid managed care organization shall use the medical necessity criteria selected by the Department of Insurance pursuant to KRS 304.38-240, for making determinations of medical necessity and clinical appropriateness pursuant to the utilization review plan required by subsection (1) of this section.
- (3) To the extent consistent with the federal regulations referenced in subsection (1) of this section, the Department for Medicaid Services or any managed care organization contracted to provide Medicaid benefits pursuant to KRS Chapter 205 shall not require or conduct a prospective or concurrent review, as defined in KRS 304.17A-600, for a prescription drug:
  - (a) That:
    1. Is used in the treatment of alcohol or opioid use disorder; and
    2. Contains Methadone, Buprenorphine, an opioid antagonist, or Naltrexone; or
  - (b) That was approved before January 1, 2022, by the United States Food and Drug Administration for the mitigation of opioid withdrawal symptoms.
- (4) This chapter shall not be construed to require, with respect to the administration and provision of Medicaid benefits pursuant to this chapter, the Department for Medicaid Services, any managed care organization contracted to provide Medicaid benefits pursuant to this chapter, including any private review agent utilized by the Medicaid managed care organization, or the state's medical assistance program to comply with KRS 304.17A-606.

**Effective:** January 1, 2028

**History:** Amended 2026 Ky. Acts ch. 102, sec. 6, effective January 1, 2028. -- Amended 2024 Ky. Acts ch. 155, sec. 1, effective July 15, 2024. -- Amended 2021 Ky. Acts ch. 201, sec. 2, effective June 29, 2021. -- Created 2018 Ky. Acts ch. 106, sec. 5, effective January 1, 2019.