

CHAPTER 47**(HJR 28)**

A JOINT RESOLUTION directing the Department for Medicaid Services to request guidance from the Centers for Medicare and Medicaid Services for Medicaid coverage on prescription digital therapeutics in the Commonwealth of Kentucky.

WHEREAS, the Kentucky Office of Drug Control Policy reported that 1,964 Kentuckians died from drug overdoses in 2020, a 49 percent increase from the 1,316 overdose deaths in 2019; and

WHEREAS, the coronavirus pandemic has further challenged access to in-person treatment for Kentuckians in recovery for substance and opioid use disorders; and

WHEREAS, the Kentucky Opioid Response Effort has piloted the use of prescription digital therapeutics (PDTs) with successful results in Kentucky; and

WHEREAS, PDTs are a new software-based treatment designed to directly treat disease; and

WHEREAS, PDTs provide clinicians and patients with evidence-based remote treatment modalities to treat substance and opioid use disorders, mental health disorders, and other diseases and conditions; and

WHEREAS, PDTs give patients a discreet, 24 hours per day, 7 days a week tool to complement remote or in-office addiction therapy and provide patients with around-the-clock interventions to treat substance use disorder and opioid use disorder during critical hours when access to in-person support may be unavailable; and

WHEREAS, PDTs is a Class II medical device authorized by the United States Food and Drug Administration for treatment of substance use or opioid use disorder;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Department for Medicaid Services shall request guidance from the Centers for Medicare and Medicaid Services on coverage and reimbursement of prescription digital therapeutics for use in the Medicaid program no later than 30 days from the effective date of this Act.

➔Section 2. As part of the guidance request, the Department for Medicaid Services shall request:

(1) Acceptable methods to cover prescription digital therapeutics, including but not limited to the utilization of the Medicaid program's existing pharmacy benefit, the coverage of durable medical equipment under the Medicaid program, or other mechanisms suggested by the Centers for Medicare and Medicaid Services; and

(2) Whether federal financial participation is available for coverage and reimbursement of prescription digital therapeutics in the Medicaid program.

➔Section 3. The Department for Medicaid Services shall provide a report summarizing the status of the Centers for Medicare and Medicaid Services' guidance and response on whether the state can claim federal participation for coverage of and payment for certain prescription digital therapeutics approved by the United States Food and Drug Administration to the Interim Joint Committee on Health, Welfare, and Family Services, the Medicaid Oversight and Advisory Committee, the Legislative Research Commission, and the Kentucky Congressional delegation by December 1, 2022.

Signed by Governor March 29, 2022.