

1 AN ACT relating to utilization controls for nonopioid analgesics in the Medicaid  
2 program.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO  
5 READ AS FOLLOWS:

6 *The Department for Medicaid Services, any managed care organization with whom the*  
7 *department contracts for the delivery of Medicaid services, and the state pharmacy*  
8 *benefit manager contracted by the department pursuant to KRS 205.5512 shall not:*

9 *(1) Deny coverage of a nonopioid prescription drug in favor of an opioid prescription*  
10 *drug when a licensed physician has prescribed a nonopioid medication for the*  
11 *treatment of chronic or acute pain; or*

12 *(2) Establish more restrictive or more extensive utilization controls, including but not*  
13 *limited to more restrictive or more extensive prior authorization or step therapy*  
14 *requirements, for clinically appropriate nonopioid drugs than the least restrictive*  
15 *or extensive utilization controls applicable to any clinically appropriate opioid or*  
16 *narcotic drug.*

17 ➔Section 2. If the Cabinet for Health and Family Services or the Department for  
18 Medicaid Services determines that a state plan amendment, waiver, or any other form of  
19 authorization or approval from any federal agency to implement Section 1 of this Act is  
20 necessary to prevent the loss of federal funds or to comply with federal law, the cabinet  
21 or department:

22 (1) Shall, within 90 days after the effective date of this section, request the  
23 necessary federal authorization or approval to implement Section 1 of this Act; and

24 (2) May only delay implementation of the provisions of Section 1 of this Act for  
25 which federal authorization or approval was deemed necessary until the federal  
26 authorization or approval is granted.

27 ➔Section 3. Sections 1 and 2 of this Act shall constitute the specific authorization

1 required under KRS 205.5372(1).