

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Health and Life Insurance and Managed Care
(New Administrative Regulation)

806 KAR 17:590. Annual report on providers prescribing medication for addiction treatment.

RELATES TO: KRS 304.1-050(1) 304.9-020, 304.9-055, 304.17A-005(29), 304.17A-700, 304.17A-732

STATUTORY AUTHORITY: KRS 304.2-110, 304.17A-732

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-732 requires insurers to annually report to the commissioner the number and type of providers that have prescribed medication for addiction treatment to its insureds in conjunction with behavioral therapy and not in conjunction with behavioral therapy. This administrative regulation sets forth the format and submission time frame for the data reporting requirements in KRS 304.17A-732.

Section 1. Definitions.

- (1) "Commissioner" is defined by KRS 304.1-050(1).
- (2) "Department" is defined in KRS 304.1-050(2).
- (3) "Insurer" is defined by KRS 304.17A-005(29).
- (4) "Medication for addiction treatment" means a prescription drug that:
 - (a) Is prescribed for use in the treatment of alcohol or opioid addiction; and
 - (b) Contains methadone, buprenorphine, or naltrexone; or
 - (c) Was approved before January 1, 2022 by the United States Food and Drug Administration for the mitigation of opioid withdrawal symptoms.
- (5) "Pharmacy Benefit Manager" is defined by KRS 304.9-020(15).

Section 2. Data Reporting Requirements.

- (1)
 - (a) An insurer authorized to write health insurance in this state shall submit the data required by the Pharmacy Claims Standardized Data Request to the commissioner by March 31st of each year. A pharmacy benefit manager paying pharmacy claims on behalf of an insurer may submit the data required by the Pharmacy Claims Standardized Data request to the commissioner on behalf of the insurer.
 - (b) The data required by the Pharmacy Claims Standardized Data Request shall:
 1. Be submitted in an electronic format prescribed by the Commissioner;
 2. Contain the prescribed data elements and information in the order prescribed; and
 3. Contain data for claims received in the prior calendar year for prescriptions for medication for addiction treatment.
- (2)
 - (a) The Department shall generate and provide a Medical Claims Standardized Data Request to each insurer based on the data submitted pursuant to subsection (1) of this section.
 - (b) An insurer shall submit the data required by the Medical Claims Standardized Data Request within sixty (60) days of the date it is provided to the insurer, as described in paragraph (a) of this Section.
 - (c) The data required by the Medical Claims Standardized Data Request shall:
 1. Be submitted in an electronic format;

2. Contain the prescribed data elements and information in the order prescribed; and
3. Contain data for claims of identified insureds, as requested by the commissioner, that were received in the prior calendar year.

Section 3. Material Incorporated by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Pharmacy Claims Standardized Data Request", 10/2021
 - (b) "Medical Claims Standardized Data Request", 10/2021
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 pm.

SHARON P. CLARK, Commissioner

RAY A. PERRY, Secretary

APPROVED BY AGENCY: October 13, 2021

FILED WITH LRC: October 14, 2021 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on December 21, 2021 at 500 Mero Street, Frankfort, Kentucky 40602. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on December 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Abigail Gall, Executive Administrative Secretary, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 564-6026, fax +1 (502) 564-1453, email abigail.gall@ky.gov.