

HOUSE BILL No. 2149

By Committee on Health and Human Services

1-28

1 AN ACT concerning the Kansas program of medical assistance; relating to
2 donor human breast milk.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) The department of health and environment shall
6 reimburse a medical care facility for prescribed medically necessary donor
7 human breast milk provided to a recipient of medical assistance under the
8 Kansas program of medical assistance if:

9 (1) Such recipient is:

10 (A) An infant under the age of three months;

11 (B) critically ill; and

12 (C) in the neonatal intensive care unit of the hospital;

13 (2) a person licensed to practice medicine and surgery orders the
14 donor human breast milk for the recipient;

15 (3) the department determines that the donor human breast milk is
16 medically necessary for the recipient;

17 (4) the parent or legal guardian of the recipient signs and dates an
18 informed consent form indicating the risks and benefits of using banked
19 donor human breast milk; and

20 (5) the donor human breast milk is obtained from a donor human
21 breast milk bank that meets the quality requirements established by the
22 department of health and environment.

23 (b) An electronic prior authorization system that uses the best medical
24 evidence and care and treatment guidelines consistent with national
25 standards shall be used by the department to determine medical necessity.

26 (c) The department shall promulgate rules and regulations necessary
27 to implement the provisions of this section.

28 (d) The department shall implement and administer the provisions of
29 this section in a manner consistent with applicable federal laws and
30 regulations. The department shall seek any necessary approvals of the
31 federal government that are required for the implementation of this
32 section.

33 (e) As used in this section:

34 (1) "Department" means the department of health and environment.

35 (2) "Medical care facility" shall mean the same as in K.S.A. 65-425,
36 and amendments thereto.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.