

## 2023 Kansas Statutes

**39-7,121g. Donor human breast milk; hospital eligible for reimbursement, when; rules and regulations; federal waiver.** (a) The department of health and environment shall reimburse a medical care facility for prescribed medically necessary donor human breast milk provided to a recipient of medical assistance under the Kansas program of medical assistance if:

- (1) Such recipient is:
  - (A) An infant under the age of three months;
  - (B) critically ill; and
  - (C) in the neonatal intensive care unit of the hospital;
- (2) a person licensed to practice medicine and surgery orders the donor human breast milk for the recipient;
- (3) the department determines that the donor human breast milk is medically necessary for the recipient;
- (4) the parent or legal guardian of the recipient signs and dates an informed consent form indicating the risks and benefits of using banked donor human breast milk; and
- (5) the donor human breast milk is obtained from a donor human breast milk bank that meets the quality requirements established by the department of health and environment.

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

(c) The department shall promulgate rules and regulations necessary to implement the provisions of this section prior to July 1, 2016.

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

(e) As used in this section:

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

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

**History:** L. 2015, ch. 63, § 1; July 1.