

2021 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.