

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 5.—Provider Participation, Scope of Services, and Reimbursements for the Medicaid (Medical Assistance) Program

30-5-92. Scope of pharmacy services.

(a) The medical services provided to program recipients shall include pharmacy services.

(1) Kan Be Healthy participants shall be limited to those prescription-only and over-the-counter drugs, supplies, and devices that have been accepted for inclusion on any formulary listing for Kan Be Healthy participants adopted and distributed by the secretary to eligible providers of service.

(2) Other medicaid recipients shall be limited to those prescription-only and over-the-counter drugs, supplies, and devices that have been accepted for inclusion on any formulary listing for other medicaid recipients adopted and distributed by the agency to eligible providers of service.

(b) Covered drugs, supplies, and devices shall be prescribed by the recipient's attending practitioner and dispensed in a pharmacy by a pharmacist, with the exception of those drugs, supplies, or devices designated by the secretary.

(c) Each provider of pharmacy services shall comply with the provisions of K.A.R. 30-5-59 and shall be assigned a pharmacy services provider number.

(d) (1) Each pharmacist shall dispense each brand-name legend drug as prescribed if either of the following conditions is met:

(A) The pharmacist receives a written prescription on which the prescriber has signed on the "dispense as written" signature line or has personally handwritten "dispense as written" or "D.A.W." on the prescription.

(B) The pharmacist receives an oral prescription in which the prescriber has expressly indicated that the prescription is to be dispensed as communicated.

(2) Each pharmacist shall dispense the generic form of a prescribed brand-name drug, after disclosing the substitution to the consumer, if all of the following conditions are met:

(A) The pharmacist receives either of the following:

(i) a written prescription on which the prescriber has neither signed on the "dispense as written" signature line nor personally handwritten "dispense as written" or "D.A.W." on the prescription; or

(ii) an oral prescription in which the prescriber has not expressly indicated that the prescription is to be dispensed as communicated.

(B) There is available in the pharmacist's stock a less expensive generic drug that is rated bioequivalent (AB-rated) by the food and drug administration.

(C) In the pharmacist's professional judgment, the generic drug is safely interchangeable with the prescribed drug.

A pharmacist may also make a substitution in a manner consistent with the oral instructions of the prescriber. The pharmacist shall notify the consumer if the pharmacist is dispensing a drug other than the brand-name drug prescribed.

(3) If more than one safely interchangeable generic drug is available in the pharmacist's stock, then the pharmacist shall dispense the least expensive alternative.

(4) Nothing in this subsection shall be deemed to require a pharmacist to substitute a generic drug if the substitution will make the transaction ineligible for reimbursement.

(5) If a pharmacist dispenses a brand-name legend drug and, at that time, a less expensive generic drug is also available in the pharmacist's stock, the pharmacist shall disclose to the consumer that a generic drug is available.

(e) If a drug product is issued to a patient of a long-term care facility and subsequently is not used, the long-term care facility shall return the drug product to the vendor pharmacy for repackaging and crediting to the secretary if the drug product meets all of the following conditions:

(1) The drug product is a prescription drug product that is not a controlled substance.

(2) The drug product is sealed in individually packaged units or in a multiple-dose, sealed container approved by the federal food and drug administration from which no doses have been withdrawn.

(3) The drug product is returned to the vendor pharmacy at least 90 days before the expiration date.

(4) The drug product is determined to be of acceptable integrity by a licensed pharmacist.

(f) Each long-term care facility shall establish procedures for the return of unused drug products to the vendor pharmacy from which the unused drug products were received.

(g) Each provider of pharmacy services may be reimbursed the reasonable cost of returning and crediting unused drug products, as determined by the secretary.

(h) After prior notification of each provider, reimbursement under the program may be denied for any of the following:

(1) Certain drugs, supplies, and devices determined by the secretary to be less than effective;

(2) drugs, supplies, and devices that do not meet the requirements of section 1927 of the social security act, 42 U.S.C. 1396r-8, as amended Nov. 29, 1999, which is adopted by reference, pertaining to available rebates or the medical necessity of the drug, supply, or device; or

(3) drugs, supplies, or devices restricted by the secretary under the provisions of section 1927 of the social security act, 42 U.S.C. 1396r-8 regarding permissible restrictions.

Selected drugs, supplies, and devices shall be considered for coverage only when prior authorization criteria are met.

(i) Pharmacy services provided for parenteral administration of total nutritional replacements in the consumer's home shall not be covered through the pharmacy program and shall be billed through the durable medical equipment program.

(j) The total number of prescriptions that any recipient may receive in a given time period shall be limited as determined by the secretary.

(k) Selected pharmacy services shall be limited to a dollar value for a given time period as determined by the secretary.

(Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Jan. 2, 1989; amended Aug. 1, 1990; amended May 1, 1991; amended July 6, 2001.)

***** Authenticated Kansas Administrative Regulation *****