

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

The Department of Health and Human Services hereby proposes to amend Chapter 78, Amount, Duration and Scope of Medical and Remedial Services, Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code 249A.4.

Purpose and Summary

Currently, a one-month supply of covered prescription and nonprescription medications for Iowa Medicaid members are permitted, excluding contraceptives which can be prescribed in three-month quantities.

The department temporarily allowed an optional 90 days-supply on all medications from March 19, 2020 through May 12, 2023 due the Public Health Emergency (PHE). The proposed rule change would allow re-implementation of an optional 90 days-supply on a continuing basis for select, cost effective generic maintenance medications at the discretion of the prescriber while adhering to the guidelines provided by the Medicaid Drug Utilization Review (DUR) Commission, outlined below. Surrounding states that allow 90 days-supply prescription quantities for Medicaid members include Nebraska, Missouri, Kansas, Minnesota, and Wisconsin.

DUR Review & Recommendation:

- a. DUR Review: The proposal was presented at two DUR meetings February 1st & May 3rd, 2023 and public comment was sought from the medical and pharmacy associations on both dates
 - i. No concerns were shared and all DUR members were in favor

- b. DUR recommendation: The 90 days-supply drug selection process – will include select, cost effective, generic medications from Medi Span maintenance drug categories
 - ii. Proposed initial categories (select, generic drugs)
 - Blood pressure
 - Cholesterol lowering agents
 - Antidepressants
 - Diabetes mellitus
 - iii. List of Medications will be reviewed annually by the DUR and changes can be submitted to the DUR for review anytime throughout the year.
 - iv. Exclusion criteria
 - Safety – e.g., risks associated with a particular class
 - Controlled substances
 - Narrow therapeutic index (NTI) drugs
 - Drugs subject to frequent dose adjustments
 - OTC drugs
 - Brand drugs
 - Prior Authorization drug categories (Clinical PA)
 - Nonpreferred or non-recommended drugs
 - Other therapeutic categories – antibiotics, ophthalmic, otic, and topical products

- v. Dispensing fee – Medicaid would pay pharmacy for one dispensing fee per 90 days-supply billed rather than three (further cost saving details in section below).
- vi. Copayment - member gets charged one copay (if applicable) per 90 days-supply billed.
- vii. Member exclusions - none
- viii. Initial fill – quantity would be at the discretion of prescriber, but consideration should be given to dispensing less than a 90 days-supply with the initial fill when starting members on new medications or with dose adjustments to minimize waste.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department of Health and Human Services no later than 4:30 p.m. on July 2, 2024. Comments should be directed to:

Joe Campos
321 E. 12th St
Des Moines, IA, 50419
compliancecerules@hhs.iowa.gov

Public Hearing

Two public hearings at which persons may present their views orally or in writing will be held as follows:

July 2, 2024
10am-10:30am
Microsoft Teams
Meeting ID: 229 592 193 860
Passcode: SUXtbK

July 2, 2024
1:30pm-2:00pm
Microsoft Teams
Meeting ID: 247 688 988 423
Passcode: 6uWELu

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Health and Human Services and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action proposed:

ITEM 1. Amend rule 441—78.2(6) as follows:

Quantity prescribed and dispensed.

a. *Quantity prescribed.* When it is not therapeutically contraindicated, the legally qualified practitioner shall prescribe ~~not less than~~ a one-month supply of covered prescription and nonprescription medication. Medications listed on the 90-day generic

maintenance supply drug list published on the department's website and Contraceptives may be prescribed in three-month quantities.

b. Quantity dispensed. A prescribed drug must be dispensed in the quantity specified on the prescription unless prohibited by the Medicaid pharmacy program requirements, the pharmacy is using unit dose dispensing, the specified quantity is not available in the pharmacy when the prescription is dispensed or in a quantity permitted pursuant to Iowa Code section 155A.27.

c. Prescription refills. NO CHANGES.