

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Rebekah E. Gee MD, MPH
Secretary

1907#032

Pharmacy Benefits Management Program
Pharmacy Copayment (LAC 50:XXIX.111)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXIX.111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing received approval from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) of a State Plan Amendment (SPA) relative to assessing drug copays to managed care enrollees and compliance with federal cost sharing rules. The department promulgated an Emergency Rule which amended the provisions governing copayment in the Pharmacy Benefits Management Program in order to add a copay tier to allow individuals with a household income of less than or equal to \$800 per month to be charged \$0 drug copays from April 1, 2019-December 31, 2019 to align with the corresponding CMS-approved SPA in compliance with federal regulations and CMS requirements (*Louisiana Register*, Volume 45, Number 4).

This Emergency Rule is being promulgated in order to continue the provisions of the April 1, 2019 Emergency Rule. This action is being taken in order to avoid federal sanctions.

Effective July 31, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing copayment in the Pharmacy Benefits Management Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 1. General Provisions

§111. Copayment

A. - A.1. ...

* * *

a. For dates of service April 1, 2019 through December 31, 2019, recipients with a household income of less than or equal to \$800 per month will not be subject to copay.

A.2. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 32:1055 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1181 (June 2017), LR 43:1553 (August 2017), LR 45:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.