WSR 21-19-055
HEALTH CARE AUTHORITY

[Filed September 13, 2021, 4:43 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0033 Medicaid Disaster Relief - Pharmacy.

Effective Date: Retroactive to March 1, 2020.

Description: The health care authority (HCA) intends to submit Medicaid SPA 21-0036 to implement policies and procedures that may be different from the policies and procedures otherwise applied under the medicaid state plan, during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak. SPA 21-0033 addresses fees for administering COVID[-19] vaccines.

This SPA is the preprint developed by the Centers for Medicare and Medicaid Services to waive or modify certain requirements of Titles XVIII, XIX, and XXI of the act as a result of the consequences of the COVID-19 pandemic, to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

SPA 21-0033 will cover and reimburse for the administration of monoclonal antibody treatment and drugs to treat COVID-19 that are authorized under an Food and Drug Administration (FDA) emergency use authorization, regardless of rebate or language in Attachment 3 of the Washington medicaid state plan that precludes coverage of investigational or experimental treatments.

The state will cover prescribed drugs that are not covered outpatient drugs when the drug is authorized for use in the United States by the FDA and when the state determines coverage is medically necessary due to a recognized drug shortage.

Providers that are medicaid enrolled and qualified based on their scope of practice, and subject to applicable law, may receive reimbursement for administering monoclonal antibody treatment or any other COVID-19 drug treatment authorized above.

At this time, due to the nature of the public health emergency, HCA is unable to determine the effect of SPA 21-0033 on the annual aggregate expenditures/reimbursement/payment for the administration of monoclonal antibody treatment and drugs to treat COVID-19 that are authorized under an FDA emergency use authorization.

SPA 21-0033 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Donna Sullivan, Clinical Quality and Care Transformation, Pharmacy Services, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-791-8783, TTY 711, email donna.sullivan@hca.wa.gov.