



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

To: Medicaid Pharmacy Providers

From: Robert R. Neall, Secretary

Re: COVID-19 #13: Temporary Non-Enforcement of Medical Assistance Pharmacy Preauthorization Requirements

Release Date: April 6, 2020

Effective Date: March 21, 2020

NOTE: Please ensure appropriate staff members in your organization are informed of the contents of this guidance document.

Background

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease ("COVID-19") caused by the novel coronavirus. The COVID-19 outbreak was declared a national emergency on March 13, 2020, and was previously declared a nationwide public health emergency on January 31, 2020 (retroactive to January 27, 2020).

An outbreak of disease due to COVID-19 first occurred in the Hubei Province, China, in late 2019, and has currently been detected in more than 109 countries, including the United States. COVID-19 is a severe respiratory disease, resulting in illness or death, caused by person-to-person spread of the novel coronavirus.

The measures outlined in this document are restricted to use during the state of emergency declared by Governor Hogan to deal with the threat of COVID-19 and will expire immediately upon termination of the state of emergency, including any extensions.

Temporary Non-Enforcement of Medical Assistance Pharmacy Preauthorization Requirements

Pursuant to the authority vested in the Secretary of Health by the laws of Maryland, including but not limited to Md. HEALTH-GENERAL Code Ann. Sections 18-102 and 18-103, to prevent the spread of disease and control communicable diseases, I hereby provide notice of the Department's intent not to enforce certain pharmacy preauthorization requirements pursuant to COMAR 10.09.03.06(A)(1), (5), and (9). The intent of this non-enforcement policy is to assist medical care providers and pharmacies in meeting the many challenges they are facing because of the COVID-19 pandemic.

This policy is in effect. This policy applies to fee-for-service (FFS) pharmaceutical coverage under the Maryland Medical Assistance Program (“Maryland Medicaid”). Maryland HealthChoice Managed Care Organizations (MCOs) are still able to preauthorize and reimburse for drugs differently for HealthChoice participants. Please contact HealthChoice MCOs for more information about their pharmacy preauthorization requirements.

Non-Enforcement of Preauthorization Requirements for Antibiotic Liquids, Enteral Nutritional Products, and non-Preferred Drugs

During the state of emergency, Maryland Medicaid will not enforce the preauthorization requirements under COMAR 10.09.03.06(A)(1), (5), and (9) for the following drugs:

- (1) Antibiotic liquids requiring reconstitution for amounts exceeding a 14-day supply;
- (5) Enteral nutritional products and vitamin and mineral products when given by nasogastric, jejunostomy, or gastrostomy tube in the home; and
- (9) Drugs not on the preferred drug list developed under COMAR 10.09.03.12.

Non-Enforcement of 72-hour Supply of Prescribed Drug in Emergency Situations

During the state of emergency, Maryland Medicaid will permit prescribed drugs dispensed in an emergency to be filled with up to a 14-day supply, if the prescriber is not able to obtain the necessary preauthorization due to the COVID-19 situation. Maryland Medicaid will not enforce the 72-hour supply limitation for prescribed drugs filled during an emergency. This policy will not apply to controlled dangerous substances or high cost drugs, which will continue to be limited to a 72-hour supply.