



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 26, 2013

TO: Ms. Sharon L. Summers, DMMA
Planning & Policy Development Unit

FROM: Kyle Hodges, ^{KH} Director
State Council for Persons with Disabilities

RE: 16 DE Reg. 1028 [DMMA Proposed Medicaid Prescription Drug Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance's (DMMA's) proposal to adopt some discrete amendments to its drug coverage standards. The proposed regulation was published as 16 DE Reg. 1028 in the April 1, 2013 issue of the Register of Regulations. SCPD has the following observations.

First, for dual eligible (Medicare/Medicaid) individuals, Medicaid coverage for benzodiazepines ends and Medicaid coverage for barbiturates ends unless prescribed for a condition other than epilepsy, cancer, or a chronic mental health disorder. This change is required by federal law. Effective January 1, 2013, Medicare D will cover benzodiazepines and barbiturates prescribed to treat epilepsy, cancer, or a chronic mental health disorder. Therefore, there is no "net" loss of coverage for dual eligibles, i.e., they will be eligible for these drugs under the Medicare-D program rather than Medicaid.

Second, the Division is changing quantity limits on opioid analgesics. At 1033. The current limit is "200 doses per 30 days" which is roughly equivalent to 2,400 doses per year. The new limit will be "720 immediate release doses per 365 days". Lowering the quantity limit from 2,400 to 720 doses annually represents a 70% reduction. The Division indicates that the "720 immediate release doses per 365 days" reflects current practice. At 1030.

Overall, the Medicaid Plan changes are expected to result in \$101,000.00 in savings. At 1030.

SCPD endorses the change in benzodiazepines and barbiturates coverage for dual eligibles since required by federal law. However, SCPD requests clarification of the following: 1) the rationale

for reducing the limits on opioid analgesics by 70%; and 2) the availability of an “override” based on compelling circumstances.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed regulation.

cc: Mr. Stephen Groff
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

16reg1028 dmma-prescription drug 4-26-13