

PUBLIC NOTICE

June 30, 2021

Pursuant to 42 C.F.R. Section 447.205, public notice is hereby given for the submission of a Medicaid State Plan Amendment (SPA) 21-0018 Covered Outpatient Drugs. The Division of Medicaid, in the Office of the Governor, will submit this proposed SPA to the Centers for Medicare and Medicaid Services (CMS) effective July 1, 2021, contingent upon approval from CMS, our Transmittal #21-0018.

1. State Plan Amendment (SPA) 21-0018 is being submitted to allow the Division of Medicaid (DOM) to 1) set the fees for covered outpatient drugs the same as those in effect on July 1, 2020, and 2) remove the five percent (5%) reimbursement reduction for physician administered drugs effective July 1, 2021. Additionally, this SPA allows for setting a ceiling for the blood factor professional dispensing fee of \$260.00.
2. The estimated economic impact for physician administered drugs is included in SPA 21-0010 and for the blood factor professional dispensing fee is a savings of \$75,000 annually. The other revisions in the SPA do not have an economic impact.
3. These changes are being made to be in compliance with Miss. Code § 43-13-117, amended by MS Senate Bill 2799, effective July 1, 2021. Additional authority: Miss. Code § 43-13-121. The Division of Medicaid is submitting this proposed SPA to be in compliance with 42 C.F.R. § 447.201 which requires all policy and methods used in setting payment rates for services be included in the State Plan.
4. A copy of the proposed SPA will be available in each county health department office and in the Department of Human Services office in Issaquena County for review. A hard copy can be downloaded and printed from www.medicaid.ms.gov, or requested at 601-359-2081 or by emailing at Margaret.Wilson@medicaid.ms.gov.
5. Written comments will be received by the Division of Medicaid, Office of the Governor, Office of Policy, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, Mississippi 39201, or Margaret.Wilson@medicaid.ms.gov for thirty (30) days from the date of publication of this notice. Comments will be available for public review at the above address and on the Division of Medicaid's website at www.medicaid.ms.gov.
6. A public hearing on this SPA will not be held.

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES –OTHER TYPES OF CARE

Prescribed Drugs

The Division of Medicaid reimburses for certain legend and non-legend drugs, as authorized under the State Plan, prescribed by a Mississippi enrolled Medicaid prescribing provider licensed to prescribe drugs and dispensed by a Mississippi enrolled Medicaid pharmacy in accordance with Federal and State laws.

The Division of Medicaid Prescription Drug Program conforms to the Medicaid Prudent Pharmaceutical Purchasing Program as set forth in the Omnibus Budget Reconciliation Act of 1990 (OBRA'90) and complies with the Centers for Medicare and Medicaid (CMS) Covered Outpatient Drug Final Rule in accordance with 42 C.F.R. Part 447.

- A. Standard basis of reimbursement for prescribed drugs is the lesser of the provider's total usual and customary charge or the ingredient cost based on actual acquisition cost (AAC) as defined in the hierarchy below:
 1. National Average Drug Acquisition Cost (NADAC) in effect July 1, 2021, plus a professional dispensing fee of \$11.29. If no NADAC is available on July 1, 2021, then
 2. Wholesale Acquisition Cost (WAC) plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$11.29. If no WAC is available on July 21, 2021, then
 3. A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$11.29. If no vendor-established rate is available on July 1, 2021, then
 4. A rate set by the Division of Medicaid's rate-setting vendor, plus a professional dispensing fee of \$11.29. Once set, this rate is not subject to change.

- B. Reimbursement for 340B covered entities as described in section 1927(a)(5)(B) of the Act, as follows:
 1. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the covered outpatient drug plus a professional dispensing fee of \$11.29.
 2. Drugs purchased outside of the 340B program by covered entities – Standard basis of reimbursement for prescribed drugs as described in Letter A above.
 3. Drugs acquired through the federal 340B drug pricing program and dispensed by 340B contract pharmacies are not covered.

- C. Drugs acquired via the Federal Supply Schedule (FSS)– Ingredient cost based on AAC plus a professional dispensing fee of \$11.29.

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES –OTHER TYPES OF CARE

- D. Drugs acquired at Nominal Price (outside of 340B or FSS) – Ingredient cost based on AAC plus a professional dispensing fee of \$11.29.
- E. Specialty drugs are defined by the Division of Medicaid and listed at <https://medicaid.ms.gov/providers/pharmacy/pharmacy-reimbursement/> . Reimbursement of specialty drugs is the lesser of a provider’s total usual and customary charge or the ingredient cost defined as:
1. For a 340B covered entity:
 - a. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the outpatient drug plus a professional dispensing fee of \$61.14.
 - b. Drugs purchased outside of the 340B program by covered entities are reimbursed the lesser of the provider’s total usual and customary charge or the ingredient cost as defined in the hierarchy below:
 - 1) WAC plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$61.14. If there is no WAC available on July 1, 2021, then
 - 2) A rate set by the Division of Medicaid’s rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$61.14. If there is no rate set by a rate-setting vendor available on July 1, 2021, then
 - 3) A rate set by the Division of Medicaid’s rate-setting vendor, plus a professional dispensing fee of \$61.14. Once set, the rate is not subject to change.
 2. For a non-340B covered entity reimbursement for prescribed drugs is the lesser of the provider’s total usual and customary charge or an ingredient cost as defined in the hierarchy below:
 - a. WAC plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$61.14. If there is no WAC available on July 1, 2021, then
 - b. A rate set by the Division of Medicaid’s rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$61.14. If there is no rate set by the rate-setting vendor available on July 1, 2021, then
 - c. A rate set by the Division of Medicaid’s rate-setting vendor, plus a professional dispensing fee of \$61.14. Once set, this rate is not subject to change.
- F. Drugs not dispensed by a retail community pharmacy (e.g., institutional or long-term care pharmacy when not included as part of an inpatient stay) – Standard basis for reimbursement for prescribed drugs.
- G. Clotting Factor from Specialty Pharmacies, Hemophilia Treatment Centers (HTCs), or Centers of Excellence –
1. For a 340B covered entity:
 - a. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the clotting factor product plus a professional dispensing fee of \$0.02 per Unit
 - b. Drugs purchased outside of the 340B program by covered entities reimbursement is the lesser of the provider’s total usual and customary charge or the ingredient cost as defined in the hierarchy below:
 - 1) WAC minus ten percent (10%) in effect July 1, 2021, plus a professional dispensing fee of \$0.02 per Unit. If there is no WAC available on July 2021, then
 - 2) A rate set by the Division of Medicaid’s rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$0.02. If there is no rate set by the rate-setting vendor available on July 1, 2021, then
 - 3) A rate set by the Division of Medicaid plus a professional dispensing fee of \$0.02. Once set, this rate is not subject to change.

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES –OTHER TYPES OF CARE

2. For a non-340B covered entity reimbursement for prescribed drugs is the lesser of the provider's total usual and customary charge or an ingredient cost as defined in the hierarchy below:
 - a. WAC minus ten percent (10%) in effect July 1, 2021, plus a professional dispensing fee of \$0.02 per Unit. If there is no WAC available on July 1, 2021, then
 - b. A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$0.02. If there is no rate set by the rate-setting vendor available on July 1, 2021, then
 - c. A rate set by the Division of Medicaid's rate-setting vendor plus a professional dispensing fee of \$0.02. Once set, this rate is not subject to change.
3. For 340B and non-340B covered entities, the professional dispensing fee cannot exceed \$260.00 per member per calendar month per unique clotting factor product.

H. Physician Administered Drugs and Implantable Drug System Devices as defined in Attachment 3.1-A, Exhibit 12a, Page 5 and reimbursed:

1. Using the lesser of methodology under the pharmacy benefit as described in A - F above, or
2. As described in Attachment 4.19-B, pages 12a.3-12a.4.

I. Prescribed drugs dispensed by Indian Health Services are reimbursed the current Federal Register encounter rate for outpatient hospital. Refer to Attachment 4.19-B, Supplement 3, Page 1.

II. The Division of Medicaid does not reimburse for Investigational Drugs.

III. Usual and Customary Charges

The Division of Medicaid defines usual and customary charge as the lowest price the pharmacy would charge to a particular customer if such customer were paying cash for the identical prescription drug services on the date dispensed. This includes any applicable discounts including, but not limited to, senior discounts, frequent shopper discounts, and other special discounts offered to attract customers such as four dollar (\$4.00) flat rate generic price lists. A pharmacy cannot have a usual and customary charge for prescription drug programs that differs from either cash customers or other third-party programs. The pharmacy must submit the accurate usual and customary charge with respect to all claims for prescription drug services.

IV. Overall, the Division of Medicaid's payment will not exceed the federal upper limit (FUL) based on the NADAC for ingredient reimbursement in the aggregate for multiple source drugs.

State of Mississippi

Methods and Standards For Establishing Payment Rates-Other Types of Care

Hospital Outpatient Drugs

- a. Drugs paid outside the Outpatient Prospective Payment System (OPPS)/Ambulatory Payment Classification (APC) rate will be reimbursed by a Medicare fee. If there is no Medicare fee the drug will be reimbursed using a MS Medicaid OPPS Chemotherapy fee.
- b. The APC and the Medicare fees on the MS Medicaid OPPS fee schedule will be calculated based on the Medicare outpatient Addendum B published by the Centers for Medicare and Medicaid Services (CMS) as of January 1, 2021. The MS Medicaid OPPS fee schedule is updated and effective July 1, 2021 with no retroactive adjustments.
- c. Chemotherapy drugs and concomitant non-chemotherapy drugs administered during the chemotherapy treatment billed on the same claim as the chemotherapy treatment will be paid a MS Medicaid OPPS Chemotherapy fee. The MS Medicaid OPPS Chemotherapy fee will be the amount listed on the Medicare Average Sales Price (ASP) Drug Pricing File, titled Payment Allowance Limits for Medicare Part B, published by CMS as of January 1, 2021. The ASP files are one-hundred six percent (106%) of the ASP calculated from data submitted by drug manufacturers. The MS Medicaid OPPS Chemotherapy fee is updated and effective July 1, 2021 with no retroactive adjustments.
- d. If there is no APC relative weight, Medicare payment rate, MS Medicaid OPPS Chemotherapy fee or ASP for a drug, reimbursement is made at no more than one-hundred percent (100%) of the provider's acquisition cost.
- e. All rates are published at <https://medicaid.ms.gov/providers/fee-schedules-and-rates/#>.

State of Mississippi
Methods and Standards for Establishing Payment Rates – Other Types of Care

Physician Administered Drugs and Implantable Drug System Devices

Drugs and Biologicals

Drugs and Biologicals are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, 2020 and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using the April 1, 2020 Medicare Part B Drug Fee Schedule.

- 1) If there is no Medicare Part B Drug Fee Schedule a fee will be calculated at one hundred percent (100%) of the April 1, 2020 Medicare Addendum B Outpatient Prospective Payment System (OPPS) Fee Schedule updated July 1, 2020 and effective for services provided on or after that date.
- 2) If there is no Medicare Part B Drug Fee Schedule or Medicare Addendum B OPSS Fee Schedule a fee will be calculated using Wholesale Acquisition Cost (WAC) + 0% in effect on April 1, 2020 of each year and updated July 1, 2020 and effective for services provided on or after that date.
- 3) If there is no (a) Medicare Part B Drug Fee Schedule, Medicare Addendum B OPSS Fee or WAC + 0% or (b) when it is determined, based on documentation, that a drug or biological fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Implantable Drug System Devices

Implantable drug system devices are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, 2020 and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using the April 1, 2020 Medicare Part B Drug Fee Schedule.

- 1) If there is no Medicare Part B Drug Fee Schedule a fee will be calculated at one hundred percent (100%) of the April 1, 2020 Medicare Addendum B OPSS Fee Schedule updated July 1, 2020 and effective for services provided on or after that date.
- 2) If there is no Medicare Part B Drug Fee Schedule or Medicare Addendum B OPSS Fee Schedule a fee will be calculated using WAC + 0% in effect on April 1, 2020 and updated July 1, 2020 and effective for services provided on or after that date.

State of Mississippi

Methods and Standards for Establishing Payment Rates – Other Types of Care

- 3) If there is no (a) Medicare Part B Drug Fee Schedule, Medicare Addendum B OPPS Fee Schedule or WAC + 0% or (b) when it is determined, based on documentation, that an implantable drug device system fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Diagnostic or Therapeutic Radiopharmaceuticals and Contrast Imaging Agents

Diagnostic or therapeutic radiopharmaceuticals and contrast imaging agents are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, 2020 of each year and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using one hundred percent (100%) of the April 1, 2020 Medicare Radiopharmaceutical Fee Schedule.

- 1) If there is no Medicare Radiopharmaceutical Fee a fee will be calculated at one hundred percent (100%) of the April 1, 2020 Medicare Addendum B OPPS Fee Schedule updated July 1, 2020 of each year and effective for services provided on or after that date.
- 2) If there is no Medicare Radiopharmaceutical Fee or Medicare Addendum B OPPS Fee Schedule a fee will be calculated using WAC + 0% in effect on April 1, 2020 and updated July 1, 2020 and effective for services provided on or after that date.
- 3) If there is no (a) Medicare Radiopharmaceutical Fee, Medicare Addendum B OPPS Fee Schedule or WAC + 0% or (b) when it is determined, based on documentation, that a diagnostic or therapeutic radiopharmaceuticals and contrast imaging agent fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of Physician Administered Drugs and Implantable Drug System Devices. All rates are published at www.medicaid.ms.gov/providers/fee-schedules-and-rates/#.

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES – OTHER TYPES OF CARE

Prescribed Drugs

The Division of Medicaid reimburses for certain legend and non-legend drugs, as authorized under the State Plan, prescribed by a Mississippi enrolled Medicaid prescribing provider licensed to prescribe drugs and dispensed by a Mississippi enrolled Medicaid pharmacy in accordance with Federal and State laws.

The Division of Medicaid Prescription Drug Program conforms to the Medicaid Prudent Pharmaceutical Purchasing Program as set forth in the Omnibus Budget Reconciliation Act of 1990 (OBRA'90) and complies with the Centers for Medicare and Medicaid (CMS) Covered Outpatient Drug Final Rule in accordance with 42 C.F.R. Part 447.

~~A. The Division of Medicaid reimburses the following drugs as described below:~~

~~Standard basis of reimbursement for prescribed drugs is the lesser of the provider's total usual and customary charge or the Brand Name drugs—Ingredient cost based on actual acquisition cost (AAC) which is as defined in the hierarchy below as the lesser of:~~

- ~~1. National Average Drug Acquisition Cost (NADAC) in effect July 1, 2021, plus a professional dispensing fee of \$11.29, or If no NADAC is available on July 1, 2021, then~~
- ~~2. Wholesale Acquisition Cost (WAC) plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$11.29 if when no NADAC is available or .If no WAC is available on July 21, 2021, then~~
- ~~3. A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$11.29, when no NADAC or WAC are available, or If no vendor-established rate is available on July 1, 2021, then~~
- ~~3-4. A rate set by the Division of Medicaid's rate-setting vendor, plus a professional dispensing fee of \$11.29. Once set, this rate is not subject to change.~~
- ~~4. The provider's usual and customary charge.~~

~~B. Generic drugs—Ingredient cost based on AAC which is defined as the lesser of:~~

- ~~1. NADAC plus a professional dispensing fee of \$11.29, or~~
- ~~2. WAC plus zero percent (0%) plus a professional dispensing fee of \$11.29 when no NADAC is available, or~~
- ~~3. A rate set by the Division of Medicaid's rate-setting vendor plus a professional dispensing fee of \$11.29 when no NADAC or WAC are available, or~~
- ~~4. The provider's usual and customary charge.~~

~~C.B. Reimbursement for 340B covered entities as described in section 1927(a)(5)(B) of the Act, including an Indian Health Service, tribal and urban Indian pharmacy as follows:~~

- ~~1. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the covered outpatient drug plus a professional dispensing fee of \$11.29.~~
- ~~2. Drugs purchased outside of the 340B program by covered entities – Ingredient cost based on AAC which is defined as the lesser of: Standard basis of reimbursement for prescribed drugs as described in Letter A above.~~
 - ~~a. NADAC plus a professional dispensing fee of \$11.29, or~~
 - ~~b. WAC plus zero percent (0%) plus a professional dispensing fee of \$11.29 when no NADAC is available, or~~
 - ~~c. A rate set by the Division of Medicaid's rate setting vendor plus a professional dispensing fee of \$11.29 when no WAC is available, or~~
 - ~~d. The provider's usual and customary charge.~~
- ~~3. Drugs acquired through the federal 340B drug pricing program and dispensed by 340B contract pharmacies are not covered.~~

~~D.C. Drugs acquired via the Federal Supply Schedule (FSS)— Ingredient cost based on AAC plus a professional dispensing fee of \$11.29.~~

State of Mississippi

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES –OTHER TYPES OF CARE

D. Drugs acquired at Nominal Price (outside of 340B or FSS) – Ingredient cost based on AAC plus a professional dispensing fee of \$11.29.

E. Specialty drugs are defined by the Division of Medicaid, ~~updated no less than monthly,~~ and listed at <https://medicaid.ms.gov/providers/pharmacy/pharmacy-reimbursement/>. Reimbursement of specialty drugs is the lesser of a provider's total usual and customary charge or the ingredient cost is defined as the lesser of:

1. For a 340B covered entity:
 - a. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the outpatient drug plus a professional dispensing fee of \$61.14.
 - b. Drugs purchased outside of the 340B program by covered entities are reimbursed the lesser of the provider's total usual and customary charge or the ~~ingredient cost is as defined in the hierarchy below as the lesser of:~~
 - 1) WAC plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$61.14, ~~or If there is no WAC available on July 1, 2021, then~~
 - 2) A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$61.14, ~~when no WAC is available, or If there is no rate set by a rate-setting vendor available on July 1, 2021, then~~
 - 2)3) A rate set by the Division of Medicaid's rate-setting vendor, plus a professional dispensing fee of \$61.14. Once set, ~~the rate is not subject to change.~~
 - 3) ~~The provider's usual and customary charge.~~
2. For a non-340B covered entity reimbursement for prescribed drugs is the lesser of the provider's total usual and customary charge or an ingredient cost as defined in the hierarchy below:
 - a. WAC plus zero percent (0%) in effect July 1, 2021, plus a professional dispensing fee of \$61.14, ~~or If there is no WAC available on July 1, 2021, then~~
 - b. A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$61.14, ~~when no WAC is available, or If there is no rate set by the rate-setting vendor available on July 1, 2021, then~~
 - b.c. A rate set by the Division of Medicaid's rate-setting vendor, plus a professional dispensing fee of \$61.14.- Once set, this rate is not subject to change.
 - e. ~~The provider's usual and customary charge.~~

F. ~~Drugs not dispensed by a retail community pharmacy (e.g., institutional or long-term care pharmacy when not included as part of an inpatient stay) – Ingredient cost based on AAC which is defined as the lesser of:~~

1. ~~NADAC plus a professional dispensing fee of \$11.29, or~~
2. ~~WAC plus zero percent (0%) plus a professional dispensing fee of \$11.29 when no NADAC is available, or~~
3. ~~A rate set by the Division of Medicaid's rate setting vendor plus a professional dispensing fee of \$11.29 when no NADAC or WAC are available, or~~

G.F. ~~The provider's usual and customary charge.~~ Standard basis for reimbursement for prescribed drugs.

H.G. ~~Clotting Factor from Specialty Pharmacies, Hemophilia Treatment Centers (HTCs), or Centers of Excellence – Ingredient cost defined as:~~

1. For a 340B covered entity:
 - a. Purchased 340B drugs – Ingredient cost must be no more than the 340B AAC defined as the price at which the covered entity has paid the wholesaler or manufacturer for the clotting factor product plus a professional dispensing fee of \$0.02 per Unit.
 - b. Drugs purchased outside of the 340B program by covered entities reimbursement is the lesser of the provider's total usual and customary charge or the ~~ingredient cost which is as defined as in the hierarchy below lesser of:~~
 - 1) WAC minus ten percent (10%) in effect July 1, 2021, plus a professional dispensing fee of \$0.02 per Unit, ~~or If there is no WAC available on July 2021, then~~
 - 2) A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$0.02, ~~when no WAC is available, or If there is no rate set by the rate-setting vendor available on July 1, 2021, then~~
 - 2)3) A rate set by the Division of Medicaid plus a professional dispensing fee of \$0.02. Once set, this rate is not subject to change.
 - 3) ~~The provider's usual and customary charge.~~

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2. For a non-340B covered entity reimbursement for prescribed drugs is the lesser of the provider's total usual and customary charge or —an ingredient cost is—as defined as the lesser of in the hierarchy below:
 - a. WAC minus ten percent (10%) in effect July 1, 2021, plus a professional dispensing fee of \$0.02 per Unit, or If there is no WAC available on July 1, 2021, then
 - b. A rate set by the Division of Medicaid's rate-setting vendor in effect July 1, 2021, plus a professional dispensing fee of \$0.02, when If there is no rate set by the rate-setting vendor available on July 1, 2021, then
 - b.c. A rate set by the Division of Medicaid's rate-setting vendor plus a professional dispensing fee of \$0.02. Once set, this rate is not subject to change.
 - e. ~~The provider's usual and customary charge.~~
3. For 340B and non-340B covered entities, the professional dispensing fee cannot exceed \$260.00 per member per calendar month per unique clotting factor product.

HH. Physician Administered Drugs and Implantable Drug System Devices as defined in Attachment 3.1- A, Exhibit 12a, Page 5 and reimbursed:

1. Using the lesser of methodology under the pharmacy benefit as described in A - FH above, or
2. As described in Attachment 4.19-B, pages 12a.3-12a.4.

I. Prescribed drugs dispensed by Indian Health Services are reimbursed the current Federal Register encounter rate for outpatient hospital. Refer to Attachment 4.19-B, Supplement 3, Page 1.

II. The Division of Medicaid does not reimburse for Investigational Drugs.

III. Usual and Customary Charges

The Division of Medicaid defines usual and customary charge as the lowest price the pharmacy would charge to a particular customer if such customer were paying cash for the identical prescription drug services on the date dispensed. This includes any applicable discounts including, but not limited to, senior discounts, frequent shopper discounts, and other special discounts offered to attract customers such as four dollar (\$4.00) flat rate generic price lists. A pharmacy cannot have a usual and customary charge for prescription drug programs that differs from either cash customers or other third-party programs. The pharmacy must submit the accurate usual and customary charge with respect to all claims for prescription drug services.

IV. Overall, the Division of Medicaid's payment will not exceed the federal upper limit (FUL) based on the NADAC for ingredient reimbursement in the aggregate for multiple source drugs.

State of Mississippi

Methods and Standards For Establishing Payment Rates-Other Types of Care

Hospital Outpatient Drugs

- a. Drugs paid outside the Outpatient Prospective Payment System (OPPS)/Ambulatory Payment Classification (APC) rate will be reimbursed by a Medicare fee. If there is no Medicare fee the drug will be reimbursed using a MS Medicaid OPPS Chemotherapy fee.
- b. The APC and the Medicare fees on the MS Medicaid OPPS fee schedule will be calculated based on the Medicare outpatient Addendum B published by the Centers for Medicare and Medicaid Services (CMS) as of January 1, ~~2021~~ ~~of each year~~. The MS Medicaid OPPS fee schedule is updated and effective July 1, ~~2021~~ ~~of each year~~ with no retroactive adjustments.
- c. Chemotherapy drugs and concomitant non-chemotherapy drugs administered during the chemotherapy treatment billed on the same claim as the chemotherapy treatment will be paid a MS Medicaid OPPS Chemotherapy fee. The MS Medicaid OPPS Chemotherapy fee will be the amount listed on the Medicare Average Sales Price (ASP) Drug Pricing File, titled Payment Allowance Limits for Medicare Part B, published by CMS as of January 1, ~~2021~~ ~~of each year~~. The ASP files are one-hundred six percent (106%) of the ASP calculated from data submitted by drug manufacturers. The MS Medicaid OPPS Chemotherapy fee is updated and effective July 1, ~~2021~~ ~~of each year~~ with no retroactive adjustments.
- d. If there is no APC relative weight, Medicare payment rate, MS Medicaid OPPS Chemotherapy fee or ASP for a drug, reimbursement is made at no more than one-hundred percent (100%) of the provider's acquisition cost.
- e. All ~~rates fees~~ are published ~~on the agency's website~~ at <https://medicaid.ms.gov/providers/fee-schedules-and-rates/#>.

TN No. ~~19-001321-0018~~

Date Received

Supercedes

Date Approved

TN No. ~~16-000719-0013~~

Date Effective 07/01/2021

State of Mississippi
Methods and Standards for Establishing Payment Rates – Other Types of Care

Physician Administered Drugs and Implantable Drug System Devices

Drugs and Biologicals

Drugs and Biologicals are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, ~~2020 of each year~~ and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using the April 1, 2020 Medicare Part B Drug Fee Schedule ~~of each year~~.

- 1) If there is no Medicare Part B Drug Fee Schedule a fee will be calculated at one hundred percent (100%) of the ~~current~~ April 1, 2020 Medicare Addendum B Outpatient Prospective Payment System (OPPS) Fee Schedule updated July 1, 2020 of each year and effective for services provided on or after that date.
- 2) If there is no Medicare Part B Drug Fee Schedule or Medicare Addendum B OPSS Fee Schedule a fee will be calculated using Wholesale Acquisition Cost (WAC) + 0% in effect on April 1, 2020 of each year and updated July 1, 2020 of each year and effective for services provided on or after that date.
- 3) If there is no (a) Medicare Part B Drug Fee Schedule, Medicare Addendum B OPSS Fee or WAC + 0% or (b) when it is determined, based on documentation, that a drug or biological fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Implantable Drug System Devices

Implantable drug system devices are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, ~~2020 of each year~~ and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using the April 1, 2020 Medicare Part B Drug Fee Schedule ~~of each year~~.

- 1) If there is no Medicare Part B Drug Fee Schedule a fee will be calculated at one hundred percent (100%) of the ~~current~~ April 1, 2020 Medicare Addendum B OPSS Fee Schedule updated July 1, 2020 of each year and effective for services provided on or after that date.
- 2) If there is no Medicare Part B Drug Fee Schedule or Medicare Addendum B OPSS Fee Schedule a fee will be calculated using WAC + 0% in effect on April 1, 2020 of each year and updated July 1, 2020 of each year and effective for services provided on or after that date.

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Methods and Standards for Establishing Payment Rates – Other Types of Care

- 3) If there is no (a) Medicare Part B Drug Fee Schedule, Medicare Addendum B OPPS Fee Schedule or WAC + 0% or (b) when it is determined, based on documentation, that an implantable drug device system fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Diagnostic or Therapeutic Radiopharmaceuticals and Contrast Imaging Agents

Diagnostic or therapeutic radiopharmaceuticals and contrast imaging agents are reimbursed at the lesser of the provider's usual and customary charge or a fee from a statewide uniform fee schedule updated July 1, 2020 of each year and effective for services provided on or after that date. The statewide uniform fee schedule will be calculated using one hundred percent (100%) of the April 1, 2020 Medicare Radiopharmaceutical Fee Schedule.

- 1) If there is no Medicare Radiopharmaceutical Fee a fee will be calculated at one hundred percent (100%) of the ~~current~~ April 1, 2020 Medicare Addendum B OPPS Fee Schedule updated July 1, 2020 of each year and effective for services provided on or after that date.
- 2) If there is no Medicare Radiopharmaceutical Fee or Medicare Addendum B OPPS Fee Schedule a fee will be calculated using WAC + 0% in effect on April 1, 2020 ~~of each year~~ and updated July 1, 2020 ~~of each year~~ and effective for services provided on or after that date.
- 3) If there is no (a) Medicare Radiopharmaceutical Fee, Medicare Addendum B OPPS Fee Schedule or WAC + 0% or (b) when it is determined, based on documentation, that a diagnostic or therapeutic radiopharmaceuticals and contrast imaging agent fee is insufficient for the Mississippi Medicaid population or could result in a potential access issue, the price will be one hundred percent (100%) of the current invoice submitted by the provider including:
 - (1) A matching National Drug Code (NDC) as the product provided, and
 - (2) Medical documentation of the dosage administered.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of Physician Administered Drugs and Implantable Drug System Devices. All rates are published at www.medicaid.ms.gov/providers/fee-schedules-and-rates/#. ~~The Division of Medicaid will reduce the rate of reimbursement to providers for any service by five percent (5%) of the allowed amount for that service when applicable. The five percent (5%) reduction has been in place since July 1, 2002 and the fee schedule already incorporates the five percent (5%) reduction. The federal match will be paid based on the reduced amount.~~