



Medicaid Update

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Medicaid FFS Removing NDCs

Effective October 1, 2018, NYS Medicaid fee-for-service (FFS) will remove certain National Drug Codes (NDCs) from the formulary for which the corresponding manufacturers failed to update their Medicaid National Drug Rebate Agreement (NDRA), per Centers for Medicare & Medicaid Services (CMS) requirements.

On March 22, 2018, CMS made available the final notice CMS-2397-FN (<https://www.federalregister.gov/documents/2018/03/23/2018-05947/medicaid-program-announcement-of-medicaid-drug-rebate-program-national-rebate-agreement>) that announced changes to the NDRA. Manufacturers with an existing active NDRA(s) had until September 30, 2018, to complete, sign and submit the updated NDRA in order to continue participation in the Medicaid Drug Rebate Program (MDRP).

The impact of these formulary changes on Medicaid FFS members is minimal, as there is low utilization for affected NDCs and all NDCs that are being removed from the formulary have equivalent or alternative covered products. Pharmacy providers may need to utilize alternate manufacturers or in some cases, work with the prescriber to obtain a new prescription for an alternative product. Potential Labeler/Manufacturer terminations can be found here: <https://www.medicaid.gov/medicaid/prescription-drugs/medicaid-drug-rebate-program/national-drug-rebate-agreement/index.html>.

The following reject message will be returned for Medicaid FFS claims: NCPDP value "70"- Product/Service not Covered. This notice also applies to Medicaid Managed Care Plans that will communicate directly to their pharmacy networks.

Andrew M. Cuomo
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State of New York

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Commissioner
New York State
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Pharmacy Update

OMIG Issuing Controlled Substance Accumulation Letters to Pharmacy Providers and Prescribers

The Office of the Medicaid Inspector General’s (OMIG) Recipient Restriction Program has begun sending Controlled Substance Accumulation Letters to pharmacy providers and prescribers informing them when OMIG has identified a recipient who has demonstrated a pattern of obtaining excessive quantities of controlled substance medications.

OMIG’s Recipient Restriction Program regularly reviews recipient drug utilization for patterns of excessive drugs, duplicative drugs, and drugs that conflict with the care provided by another provider. Ongoing reviews have identified a trend in which recipients are filling their controlled substance prescriptions a few days early each month before exhausting all but a seven-day supply from previous prescriptions. As a result, over time, recipients may be accumulating significant quantities of controlled substance medications.

The educational letters serve to remind pharmacy providers and prescribers about their obligations under Title 10, Part 80, *Rules and Regulations on Controlled Substances* and to specifically highlight requirements with respect to Schedule II and certain other substances under 10 NYCRR 80.67(c), which states:

Except as provided for in subdivision (d) of this section, no such prescription shall be made for a quantity of substances which would exceed a 30-day supply if the substance were used in accordance with the directions for use, specified on the prescription. No additional prescriptions for a controlled substance may be issued by a practitioner to an ultimate user within 30 days of the date of any prescription previously issued unless and until the ultimate user has exhausted all but a seven days' supply of that controlled substance provided by any previously issued prescription.

In addition, OMIG recommends **all** pharmacy providers and prescribers regularly consult the New York State Prescription Monitoring Program (PMP) Registry prior to dispensing or prescribing controlled substances and report any discrepancies to the applicable agencies, as appropriate. Anyone who suspects potential Medicaid fraud or abuse can report it to OMIG by calling the fraud hotline at 1-877-873-7283 (1-877-87-FRAUD) or by filing the complaint online via OMIG’s website at <https://omig.ny.gov/fraud/file-an-allegation>.

For additional information about OMIG’s Controlled Substance Accumulation Letters, please contact the Restricted Recipient Program at (518) 474-6866.

Pharmacy Pricing Policy – Submission of Usual and Customary (U&C) Price for Pharmacy Claims

Attention Pharmacy Providers: In accordance with 42 C.F.R. § 447.512(b), pharmacies must provide a Usual and Customary (U&C) price when submitting pharmacy claims for prescription and over-the-counter (non-prescription) items. The U&C price is the price charged to the general public, including applicable discounts (e.g. promotional discounts and discounted prices associated with loyalty programs) and is used to calculate the item's Medicaid reimbursement per New York State Social Services § 367-a.

Inaccurate U&C prices may result in incorrect Medicaid reimbursements. Knowingly submitting inaccurate U&C pricing may be considered fraudulent billing and can result in a civil penalty and damages under 31 U.S.C.S. § 3729(a)(1) and N.Y. State Fin. Law § 189(1), and exclusion from the Medicaid program under 42 U.S.C.S § 1320a-7(b)(6)(A).

Medicaid fee-for-service (FFS) payment methodology, which includes U&C price, can be found here: https://health.ny.gov/health_care/medicaid/program/docs/pharmacy_reimbursement.pdf. The U&C should be submitted in NCPDP field 426-DQ. https://www.emedny.org/HIPAA/5010/transactions/NCPDP_D.0_Companion_Guide.pdf.

Any questions related to this policy can be addressed to ppno@health.ny.gov.

All Providers

NY Medicaid EHR Incentive Program

The [NY Medicaid Electronic Health Record \(EHR\) Incentive Program](#) promotes the transition to EHRs by providing financial incentives to eligible professionals and hospitals. Providers who demonstrate Meaningful Use of their EHR systems are leading the way towards Interoperability, which is the ability of healthcare providers to exchange and use patient health records electronically. The ultimate goal is to increase patient involvement, reduce costs, and improve health outcomes. Since December 2011, over **\$930 million** in incentive funds has been distributed **through 35,836** payments to New York State Medicaid providers.

Since 2011, Eligible Professionals & Eligible Hospitals have received:

| Number of Payments: | Distributed Funds: |
|---------------------|--------------------|
| 35,836 | \$930,009,965 |

Unsure about your Medicaid Patient Volume (MPV)?

NY Medicaid EHR Incentive Program has developed a service allowing providers to request a summary of their Medicaid encounter data attributed to their National Provider Identifier (NPI). Encounter data may also be requested for an organization NPI. This report may be used to aid providers in preparing their attestation by providing the number of Medicaid patient encounters for the purposes of determining eligibility for the NY Medicaid EHR Incentive Program. To request a summary of Medicaid encounters, contact hit@health.ny.gov. Make sure to include the provider name, NPI and calendar year for the requested data.

| Numerator Data Request Form | |
|-----------------------------|----------|
| Name: | <<NAME>> |
| NPI: | << NPI>> |
| Calendar Year: | <<YEAR>> |

Webinar Schedule October/November/December 2018

We've added a new webinar! *Security Risk Analysis (SRA)* is intended for Eligible Professionals who are attesting to Modified Stage 2 or Stage 3 for 2018.

| | | |
|---|-------------------|-----------------|
| Meaningful Use Modified Stage 2 | November 14, 2018 | 10:00am-11:00am |
| | December 7, 2018 | 12:00pm-1:00pm |
| Meaningful Use Stage 3 | November 30, 2018 | 12:00pm-1:00pm |
| | December 20, 2018 | 11:00am-12:00pm |
| Modified Stage 2 for New Meaningful Users | October 25, 2018 | 2:00pm-3:00pm |
| | November 2, 2018 | 2:00pm-3:00pm |
| | December 18, 2018 | 12:00pm-1:00pm |
| 2018 MU Public Health Reporting | November 6, 2018 | 10:00am-11:00am |
| | December 4, 2018 | 10:00am-11:00am |
| *NEW* Security Risk Analysis (SRA) | October 30, 2018 | 9:00am-10:00am |
| | November 28, 2018 | 2:00pm-3:00pm |
| | December 12, 2018 | 9:00am-10:00am |

2017 MU Attestation Tutorial Series

NY Medicaid EHR Incentive Program has produced a series of MEIPASS tutorials to help you with your 2017 Modified Stage 2 or Stage 3 Meaningful Use Attestation. Click the links below, or see all of the tutorials here: https://www.health.ny.gov/health_care/medicaid/redesign/ehr/tutorials.htm.

- Part 1: Beginning the Attestation Process (<https://youtu.be/Wigjh2NY-lc>)
- Part 2A: Attesting to Modified Stage 2 (<https://youtu.be/MhF3QUwV0qM>)
- Part 2B: Attesting to Stage 3 (<https://youtu.be/iDvdpZ-qu4>)
- Part 3: Clinical Quality Measure (CQM) Reporting (<https://youtu.be/z-SfnNgBI24>)
- Part 4: eSignature and Attestation Submission (<https://youtu.be/cNkb6ZybeiE>)

Customer Satisfaction Survey

The NY Medicaid EHR Incentive Program is looking for feedback. We want to continue to provide quality services to Medicaid providers throughout New York State so, we have developed and launched a new program survey. The survey is short (it takes less than 2 minutes to complete!) and we welcome your valuable insight. To complete the survey, click here: http://www.surveymonkey.com/r/ny_ehr.

Visit our Website

Find the following information and much more at <https://www.health.ny.gov/ehr>

- Payment Year 2017 and 2018 Requirements – [Modified Stage 2](#) and [Stage 3](#)
- [2017 Meaningful Use MEIPASS Tutorial Series](#)
- [Eligible Hospital Requirements](#)
- [Public Health Reporting Objective Information](#)
- [Post-Payment Audit Guidance](#)
- [Frequently Asked Questions \(FAQs\)](#)
- Materials and Information – [Document Repository](#)
- Sign up to receive LISTSERV® messages - [NY Medicaid EHR Incentive Program](#) and [Public Health](#)

Questions? We have a dedicated support team ready to assist. **Contact us at 877-646-5410, option 2 or hit@health.ny.gov.**

Provider Directory

Office of the Medicaid Inspector General:

For suspected fraud or abuse complaints/allegations, call 1-877-87FRAUD, (877) 873-7283, or visit www.omig.ny.gov.

Provider Manuals/Companion Guides, Enrollment Information/Forms/Training Schedules:

Please visit the eMedNY website at <https://www.emedny.org/>.

Providers wishing to listen to the current week's check/EFT amounts:

Please call (866) 307-5549 (available Thursday PM for one week for the current week's amount).

Do you have questions about billing and performing MEVS transactions?

Please call the eMedNY Call Center at (800) 343-9000.

Provider Training:

To sign up for a provider seminar in your area, please enroll online at <https://www.emedny.org/training/index.aspx>. For individual training requests, call (800) 343-9000.

Beneficiary Eligibility:

Call the Touchtone Telephone Verification System at (800) 997-1111.

Medicaid Prescriber Education Program:

For current information on best practices in pharmacotherapy, please visit the following websites:
http://www.health.ny.gov/health_care/medicaid/program/prescriber_education/presc-educationprog

<http://nypep.nysdoh.suny.edu/home>

Need to change your address? Does your enrollment file need to be updated because you have experienced a change in ownership? Do you want to enroll another NPI? Did you receive a letter advising you to revalidate your enrollment?

Visit <https://www.emedny.org/info/ProviderEnrollment/index.aspx> and choose the link appropriate for you (e.g., physician, nursing home, dental group, etc.).

Medicaid Electronic Health Record (EHR) Incentive Program questions?

Contact the New York Medicaid EHR Call Center at (877) 646-5410 for assistance.

Comments and Suggestions Regarding This Publication?

Please contact the editor, Chelsea Cox, at medicaidupdate@health.ny.gov