

Document: Final Rule, **Register Page Number:** 25 IR 1612

Source: February 1, 2002, Indiana Register, Volume 25, Number 5

Disclaimer: This document was created from the files used to produce the official (printed) Indiana Register. However, this document is unofficial.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #01-22(F)(2)

DIGEST

Amends 405 IAC 5-3-10 and 405 IAC 5-3-13 to revise prior authorization requirements for drugs covered by the Medicaid program. Adds 405 IAC 5-24-8.5 and 405 IAC 5-24-8.6 to set forth procedures and limits for imposing prior authorization for drugs covered by the Medicaid program. Adds 405 IAC 5-24-11 to set forth limitations that may be placed on drugs. Adds 405 IAC 5-24-12 to set forth risk-based managed care exception. Effective 30 days after filing with the secretary of state.

| | |
|-------------------------|-------------------------|
| 405 IAC 5-3-10 | 405 IAC 5-24-8.6 |
| 405 IAC 5-3-13 | 405 IAC 5-24-11 |
| 405 IAC 5-24-8.5 | 405 IAC 5-24-12 |

SECTION 1. 405 IAC 5-3-10 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-3-10 Providers who may submit prior authorization requests

Authority: IC 12-8-6-3; IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12

Sec. 10. Prior authorization requests may be submitted by any of the following:

- (1) Doctor of medicine.
- (2) Doctor of osteopathy.
- (3) Dentist.
- (4) Optometrist.
- (5) Podiatrist.
- (6) Chiropractor.
- (7) Psychologist endorsed as a health service provider in psychology (HSPP).
- (8) Home health agency.
- (9) Hospitals.

(10) For drugs subject to prior authorization, any provider with prescriptive authority under Indiana law.

Requests from other provider types will not be accepted except for transportation services. (*Office of the Secretary of Family and Social Services; 405 IAC 5-3-10; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3305; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1613*)

SECTION 2. 405 IAC 5-3-13, AS AMENDED AT 24 IR 14, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-3-13 Services requiring prior authorization

Authority: IC 12-8-6-3; IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3

Affected: IC 12-13-7-3; IC 12-15

Sec. 13. (a) Medicaid reimbursement is available for the following services with prior authorization:

- (1) Reduction mammoplasties.
- (2) Rhinoplasty or bridge repair of the nose when related to a significant obstructive breathing problem.
- (3) Intersex surgery.

- (4) Blepharoplasties for a significant obstructive vision problem.
- (5) Sliding mandibular osteotomies for prognathism or micrognathism.
- (6) Reconstructive or plastic surgery.
- (7) Bone marrow or stem cell transplants.
- (8) All organ transplants covered by the Medicaid program.
- (9) Plasmapheresis.
- (10) Strabismus surgery for patients over ten (10) years of age.
- (11) Home health services.
- (12) Maxillofacial surgeries related to diseases and conditions of the jaws and contiguous structures.
- (13) Temporomandibular joint surgery.
- (14) Submucous resection of nasal septum and septoplasty when associated with significant obstruction.
- (15) Hysterectomy.
- (16) Tonsillectomy.
- (17) Tonsillectomy and adenoidectomy.
- (18) Cataract extraction.
- (19) Surgical procedures involving the foot.
- (20) Weight reduction surgery, including gastroplasty and related gastrointestinal surgery.
- (21) Any procedure ordinarily rendered on an outpatient basis, when rendered on an inpatient basis.
- (22) All dental admissions.
- (23) Stress electrocardiograms except for medical conditions.
- (24) Brand medically necessary drugs.
- (25) Other drugs as specified in accordance with 405 IAC 5-24-8.5.**
- ~~(25)~~ **(26)** Psychiatric inpatient admissions, including admissions for substance abuse.
- ~~(26)~~ **(27)** Rehabilitation inpatient admissions.
- ~~(27)~~ **(28)** As otherwise specified in this article.

If any of the surgeries listed in this section are performed during a hospital stay for another condition, prior authorization is required for the surgical procedure.

(b) Requests for prior authorization for the surgical procedures in this section will be reviewed for medical necessity on a case-by-case basis in accordance with this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 5-3-13; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3306; filed Sep 1, 2000, 2:16 p.m.: 24 IR 14; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1613*)

SECTION 3. 405 IAC 5-24-8.5 IS ADDED TO READ AS FOLLOWS:

405 IAC 5-24-8.5 Prior authorization; other drugs

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15-13-6; IC 12-15-35

Sec. 8.5. (a) Except as provided in section 8.6 of this rule, the office may, in compliance with all state and federal laws that may govern Medicaid prior authorization programs, establish prior authorization requirements for other drugs covered under Medicaid. Before any single source drug is placed on prior authorization in the fee for service program, the office will seek the advice of the drug utilization review board established under IC 12-15-35 at a public meeting held by the board. The single source drugs subsequently identified as subject to prior authorization under this section shall be published in a provider bulletin. Any provider bulletin described in this section shall be made effective no earlier than permitted under IC 12-15-13-6(a).

(b) The prior authorization number assigned to the approved request must be included on the prescription or drug order issued by the prescriber or relayed to the dispensing pharmacist by the prescriber if the prescription is orally transmitted. Prior authorization will be determined in accordance with the provisions of 405 IAC 5-3 and 42 U.S.C. 1396r-8(d)(5). (*Office of the Secretary of Family and Social Services; 405 IAC 5-24-8.5; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1613*)

SECTION 4. 405 IAC 5-24-8.6 IS ADDED TO READ AS FOLLOWS:

405 IAC 5-24-8.6 Prior authorization limitations and other; antianxiety, antidepressant, or antipsychotic agents

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

Affected: IC 12-13-7-3; IC 12-15-35

Sec. 8.6. (a) Central nervous system drugs classified by Drug Facts and Comparisons (published by Facts and Comparisons Division of J.B. Lippincott Company) as antianxiety, antidepressant, or antipsychotic agents, or any drugs cross-indicated (according to The American Psychiatric Press Textbook of Psychopharmacology, The Current Clinical Strategies for Psychiatry, Drug Facts and Comparison, or other publications of similar content and focus) to these classifications will not be placed on prior authorization in the fee for service Medicaid program. Drugs classified in any new category or classification of central nervous system agents (according to Drug Facts and Comparisons) created after the effective date of this rule, when prescribed for the treatment of mental illness (as defined in the latest edition of the Diagnostic [sic.] and Statistical Manual of Mental Disorders, published by the American Psychiatric Association), will not be placed on prior authorization in the fee for service Medicaid program. As used in this subsection, “cross-indicated” means a drug that is being used for a purpose generally held to be reasonable, appropriate, and within community standards of practice, even though the use is not included in the FDA-approved labeled indications for the drug.

(b) Brand name multisource drugs described in subsection (a) shall not be subject to prior authorization under section 8 of this rule.

(c) A recipient enrolled in the fee for service Medicaid program shall have unrestricted access to the drugs described in this section except as provided in section 11 of this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 5-24-8.6; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1614*)

SECTION 5. 405 IAC 5-24-11 IS ADDED TO READ AS FOLLOWS:

405 IAC 5-24-11 Limitations on quantities dispensed and frequency of refills

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

Affected: IC 12-13-7-3; IC 12-15-13-6; IC 12-15-35

Sec. 11. Nothing in this rule prohibits the office from placing limits on quantities dispensed or frequency of refills for any drug for purposes of preventing fraud, abuse, waste, overutilization, inappropriate utilization, or implementing disease management. In formulating any such limitations, the office will take into account quality of care and the best interests of Medicaid recipients. Before imposing any limits on quantities dispensed or frequency of refills for any drug, the office will seek the advice of the drug utilization review board established under IC 12-15-35 at a public meeting held by the board. Any limitations imposed shall be published in a provider bulletin. Any provider bulletin described in this subsection shall be made effective no earlier than permitted under IC 12-15-13-6(a). (*Office of the Secretary of Family and Social Services; 405 IAC 5-24-11; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1614*)

SECTION 6. 405 IAC 5-24-12 IS ADDED TO READ AS FOLLOWS:

405 IAC 5-24-12 Risk-based managed care

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

Affected: IC 12-13-7-3; IC 12-15-13-6; IC 12-15-35-46; IC 12-15-35-47

Sec. 12. The use of prior authorization programs or formularies in risk-based managed care shall be subject to IC 12-15-35-46 and IC 12-15-35-47 and are not governed by this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 5-24-12; filed Jan 7, 2002, 10:11 a.m.: 25 IR 1614*)

LSA Document #01-22(F)(2)

Notice of Intent Published: 24 IR 1378

Proposed Rule Published: April 1, 2001; 24 IR 2180

Hearing Held: April 23, 2001

Approved by Attorney General: December 21, 2001

Approved by Governor: January 2, 2002

Filed with Secretary of State: January 7, 2002, 10:11 a.m.

Incorporated Documents Filed with Secretary of State: None