

November 28, 2016

Kimberly Xavier
Planning, Policy & Quality Unit
Division of Medicaid & Medical Assistance
1901 N. DuPont Hwy.
P.O. Box 906
New Castle, DE 19720-0906

**RE: DMMA Proposed Pharmaceutical Services – Reimbursement of Covered Out-Patient
Drugs Regulation [20 DE Reg. 342 (November 1, 2016)]**

Dear Ms. Xavier:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Medicaid and Medical Assistance (DMMA) proposal to amend the Medicaid State Plan in the context of reimbursement for outpatient drugs. Since the Council understands that the revision is necessary to conform to CMS regulation and actual practice, we **endorse** the revision; however, we would like to share the following observations and request for additional information.

First, the dispensing fee standard is not as blunt under the initiative. Instead of a blanket \$10 fee, a table is inserted which has higher dispensing rates in a few contexts (“specialty drugs-mailed”; “clotting factor”). At 346. There is also a “catch-all” provision “carried over” from the current version of the State Plan: “Exceptions will be made if documentation provided demonstrates that the product can only be obtained at a higher rate.” Id.

Second, the Plan amendment (p. 346) includes the following deletion:

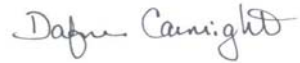
~~Exceptions of the reimbursement of FUL and DMAC can be made if a physician certifies in their own handwriting that a specific brand is medically necessary. The medical necessity must be documented on a FDA Med Watch form based on the client experiencing an adverse reaction.~~

DMMA has traditionally implemented a system in which physicians could request approval of a

non-generic drug based on medical necessity for an individual client considering factors such as efficacy and adverse reactions. The GACEC would like to request clarification that this deletion is not intended to reflect a systemic change in that practice.

Thank you for your consideration of our observations on the proposed regulations. Please contact me or Wendy Strauss at the GACEC office if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Dafne Carnright".

Dafne A. Carnright
Chairperson

DAC:kpc