



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCING AND POLICY

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September 17, 2019

Inter-Tribal Council of Nevada
Anthony Sampson, ITCN President
Tribal Chairman of Pyramid Lake Paiute Tribe
PO Box 256
Nixon, NV 89424

Dear Tribal Members:

In accordance with established consultation guidelines, the Division of Health Care Financing and Policy (DHCFP) is notifying Nevada tribes of the following proposed change in policy:

The Centers for Medicare & Medicaid Services (CMS) has issued guidance on the Medicaid Drug Utilization Review (DUR) provision that were included in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities (SUPPORT Act). This guidance includes reference to the State Plan Amendment DUR Program requirements related to Section 1004 of the SUPPORT Act.

Revisions are being made to the State Plan, Attachment 4.26, Pages 74 – 74d for Prescribed Drugs:

- Safety edits for subsequent fills for opioids and an automated claims review process that indicates when a Medicaid enrollee is prescribed a subsequent fill;
- Safety edits on the maximum daily morphine equivalent that can be prescribed to a Medicaid enrollee for treatment of chronic pain and an automated claims review process that indicates when an individual is prescribed in excess of that limitation;
- An automated claims review process that identifies when a Medicaid enrollee is concurrently prescribed opioids and benzodiazepines or antipsychotics;
- A program to monitor and manage the appropriate use of antipsychotic medications by Medicaid-enrolled children under age 18 and “children in foster care specifically”;
- A process to identify potential fraud or abuse of controlled substances by Medicaid enrollees, health care providers prescribing drugs to Medicaid enrollees and pharmacies dispensing drugs to Medicaid enrollees;
- DUR edits are not applicable to an individual receiving hospice or palliative care, treatment of cancer or is a resident of a long-term care facility or another facility for which frequently

- abused drugs are dispensed for residents through a contract with a single pharmacy, or individuals for which the State elects to treat as exempted from such requirements.
- The State confirms that updates to contracts with each Managed Care Organization (MCO) have been made to comply with the requirements applicable to MCOs as added by Section 1004 of the SUPPORT Act.

There is no anticipated fiscal impact to the Tribal Governments.

If you would like a consultation regarding this proposed change in policy, please contact Crystal Biselli at (775) 684-3722 who will schedule a meeting. We would appreciate a reply within 30 days from the date of this letter. If we do not hear from you within this time, we will consider this an indication that no consultation is requested.

Sincerely,



Tammy Moffitt
Chief of Operations

Cc: Cody Phinney, Deputy Administrator, DHCFP
DuAne Young, Deputy Administrator, DHCFP
Beth Slamowitz, DHHS Senior Advisor on Pharmacy
Holly Long, SSPS III, Pharmacy Services, DHCFP
Briza Virgen, SSPS III, Medical Programs Unit, DHCFP