

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Spec. Proj. Officer
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<http://www.dom.state.ms.us>

Specific Legal Authority Authorizing the promulgation of
Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the
Proposed Rule :
Provider Policy Manual Section 31.13, 31.15, and 31.24

Date Rule Proposed:

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

AP 2006-63. Provider Policy Manual Update amends Pharmacy Sections 31.13, 31.15, and 31.24 regarding Over the Counter Drugs, Tobacco Cessation, and Preferred Drug List respectively. These documents are being re-filed to make clear the intent of the Division in filing AP 2006-43 whereby section 31.12 was the only policy affixed to the Final Rule Notice. Section 31.12 did become effective on November 1, 2006. These three rules will not become effective until 12/1/06.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:
Time:
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

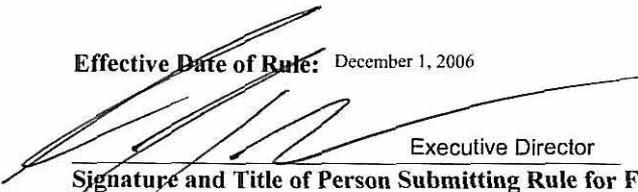
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: December 1, 2006


Executive Director
Signature and Title of Person Submitting Rule for Filing

Division of Medicaid	Section: Pharmacy
State of Mississippi	Subject: Over the Counter (OTC) Drugs
Provider Policy Manual	Section: 31.13
Date: 12/01/06	Pages: 4-3
Revised: X	Cross Reference:
Date: -07/04/05	
New:	

DOM covers selected over-the-counter (OTC) drugs pursuant to a legal prescription in writing or verbal order. Only those OTC products manufactured by companies who participate in the Federal Drug Rebate Program are covered.

Prescribing of these OTC drugs is strongly encouraged whenever appropriate.

- Acetaminophen-Tabs-325 mg, 500mg
- Acetaminophen-Tabs-325 mg, 500mg
- Al & Mg Hydroxide-Tabs & Suspension
- Ammonium Laetate 12% Cream & Lotion
- Aspirin-Tabs-81 & 325 mg (Buff/ Chew, E.C.)
- Benzoyl Peroxide Gel-5% & 10%
- Brompheniramine/Pseudo-Liquid & Tabs
- Brompheniramine/Pseudo DM-Liquid
- Calcium Carbonate-500 mg-Tabs, Suspension
- Powder (Dialysis-Pts. Only)*
- Chlorpheniramine-Tabs & Syrup
- Clemastine-1.34 mg-Tabs
- Clotrimazole-1% Topical-Cream & Soln.
- Clotrimazole Vaginal Cream-1% & 2%
- Dextromethorphan/Pseudo 6/120 mg-Tabs
- Dextromethorphan-Polystirex 30/5 ml-Suspension
- Dextromethorphan/Pseudo-Drops & Syrup
- Diphenhydramine-Caps-25 & 50 mg & Liq.
- Ferrous-Sulfate-Drops, Liquid, 325 mg-Tabs, Slow
- Release-Iron-Tabs
- Guafenesin-Syrup-AC, DAC, DM, Plain
- Hydrocortisone-Cream-0.5% & 1.0%
- Ibuprofen-Suspension
- Insulin (All)
- Laerilube-Ophth. Ointment
- Loperamide-Liquid & Tabs
- Lorazepam (Alavert)-Tabs, ODT, 12 hr, Syrup
- Mag-Gluce-500 mg, Mag-Cl-Sr-64 mg-Tab
- Miconazole-2% Topical-Cream
- Miconazole Vaginal-Cream-2%
- Naphazoline/Pheniramine-Ophth.-Drops
- Niacin-Tabs & Caps-50, 100, 125, 250, 400, 500mg
- Nicotin-Gum, lozenges, patches
- Omeprazole-OTC-20 mg (Prilosec)
- Oral-Electrolyte Mixtures (compares to Pedialyte)
- Permethrin-Cream Rinse
- Phenazopyridine-95 mg-Tab
- Prenatal Vitamins
- Pseudoephedrine-Drops, Liquid & Tabs
- Pyrantel Pamoate Susp-144mg/ml
- Renal Vitamins (Dialysis-Pts. Only)*
- Tears (Artificial) Ophth.-Drops
- Tolnaftate-Cream and Powder
- Triple-Antibiotic Ointment
- Triprolidine/Pseudo-Liquid & Tabs

DOM may not cover all available package sizes.

DOM covers selected over-the-counter (OTC) drugs pursuant to a legal prescription in writing or verbal order. Only those OTC products manufactured by companies who participate in the Federal Drug Rebate Program are covered.

Prescribing of these OTC drugs is strongly encouraged whenever appropriate.

Generic Name	Strength	Common Brand Name	Dosage Form
Acetaminophen	100mg/ml	Tylenol Drops	Drops
Acetaminophen	160 mg/5ml	Tylenol	Elixir
Acetaminophen	160mg/5ml	Tylenol	Liquid
Acetaminophen	80 mg	Feverall Suppository	Suppository
Acetaminophen	120 mg	Tylenol Suppository	Suppository
Acetaminophen	325 mg	Feverall Suppository	Suppository
Acetaminophen	650 mg	Tylenol Suppository	Suppository
Acetaminophen	325 mg	Tylenol	Tablet
Acetaminophen	500 mg	Tylenol	Tablet
Al & Mg Hydroxide		Mylanta	Tablets
Al & Mg Hydroxide		Various	Suspension
Al & Mg Hydroxide/ Simeth.		Various	Suspension
Al & Mg Hydroxide/ Simeth.		Various	Tablets
Ammonium Lactate	12%	Amlactin 12% Cream	Cream
Ammonium Lactate	12%	Amlactin 12% Lotion	Lotion
Aspirin	81mg	Various	Buff/Chew/E.C.
Aspirin	325 mg	Various	Buff/Chew/E.C.
Bacitracin	500 u/G	Various	Topical Ointment
Bactracin/ polymyxin		Polysporin Ointment	Ointment
Benzoyl Peroxide Gel	5%	Benzac AC 5% Gel	Gel
Benzoyl Peroxide Gel	10%	Benzac AC 10% Gel	Gel
Brompheniramine/ Pseudoephedrine		Various	Liquid
Brompheniramine/ Pseudoephedrine		Various	Tablets
Brompheniramine/Pseudo DM		Various	Liquid
Calcium Carbonate (Dialysis Pts. Only)* Denote on prescription for dialysis pt.	500 mg		Tablets
Calcium Carbonate (Dialysis Pts. Only)* Denote on prescription for dialysis pt.			Powder
Chlorpheniramine	2mg/5ml	Chlor-Trimeton	Syrup
Chlorpheniramine	4mg	Chlor-Trimeton	Tablet
Chlorpheniramine	8 mg	Chlor-Trimeton	Tablet
Chlorpheniramine	12 mg	Chlor-Trimeton	Tablet
Clemastine	1.34 mg	Tavist	Tablet
Clotrimazole Topical	1 %	Lotrimine AF 1 %	Cream
Clotrimazole Topical	1%	Lotrimin	Solution
Clotrimazole Vaginal	1%	Mycelex 7	Cream
Clotrimazole Vaginal	2%	Various	Cream
Dexbrompheniramine/Pseudoephedrine	6/120mg	Drixoral	Tablets
Dextromethorphan Polystyrex	30 mg/5ml	Delsym	Suspension
Dextromethorphan/Pseudoephedrine		Various	Drops

Generic Name	Strength	Common Brand Name	Dosage Form
Dextromethorphan/Pseudoephedrine		Various	Syrup
Diphenhydramine	25 mg	Benadryl	Capsule
Diphenhydramine	50 mg	Benadryl	Capsule
Diphenhydramine	12.5/5ml	Benadryl	Elixir, Liq., Sol
Ferrous Sulfate	75 ml/.6ml	Fer-Gen-Sol	Drops
Ferrous Sulfate	220 mg/5 ml	Various	Elixir
Ferrous Sulfate	300 mg/5ml	Various	Liquid
Ferrous Sulfate	325 mg	Iron	Tablet
Ferrous Sulfate Slow Release Tab	160 mg	Slow Fe	Tablet
Guaifenesin Plain	100mg/5 ml	Robitussin Plain	Liquid
Guaifenesin AC	100/10 mg	Robitussin AC	Liquid
Guaifenesin DAC	100/30/10mg	Robitussin DAC	Liquid
Guaifenesin DM	100/10mg	Robitussin DM	Liquid
Hydrocortisone Cream	0.50%	Cortaid	Cream
Hydrocortisone Cream	1%	Cortaid	Cream
Ibuprofen	100mg/5ml	Motrin	Suspension
Insulin (ALL OTC)			
Loperamide	2mg	Imodium	Tablet
Loperamide	1mg/5ml	Imodium	Liquid
Loratadine	10 mg	Claritin	Tablet
Loratadine D-12 hr	120/5mg	Claritin D-12	Tablet
Loratadine D-24 hr	240/10mg	Claritin D-24	Tablet
Loratadine ODT	5mg	Claritin Reditabs	ODT
Loratadine	5mg/5ml	Claritin Syrup	Syrup
Magnesium Gluconate	500 mg	Various	Tablet
Magnesium Chloride Sr	64 mg	Slow-Mag 64	Tablet
Miconazole Topical	2%	Various	Cream
Miconazole Vaginal	2%	Monistat	Cream
Naphazoline/Pheniramine Ophthalmic		Naphcon-A	Drops
Niacin	50mg	Various	Tablets/Caps
Niacin	100mg	Various	Tablets/Caps
Niacin	125mg	Various	Tablets/Caps
Niacin	250mg	Various	Tablets/Caps
Niacin	400mg	Various	Tablets/Caps
Niacin	500mg	Various	Tablets/Caps
Nicotine Cessation Products		Nicorette, Commit Lozenges	Gum, lozenges, patch
Ocular Lubricant Ointment			Ointment
Oral Electrolyte Replacement Mixtures		Pedialyte	Solution
Permethrin Cream Rinse	1%	Nix Cream Rinse	Rinse
Piperonyl/Pyrethrins Topical		Lice Treatment	Topical
Phenazopyridine	95mg	Azo Standard	Tablet
Prenatal Vitamins (Pregnant Pts. Only) Denote on prescription for pregnant pt. **		Various	Tablets
Pseudoephedrine	15mg/5ml	Dorcol Children's Decongestant	Drops
Pseudoephedrine	30mg/5ml	Novafed	Syrup
Pseudoephedrine	30mg	Sudafed	Tablet
Pseudoephedrine	60mg	Sudafed	Tablet
Pyrantel Pamoate Suspension	144mg/ml	Pin X	Suspension

Generic Name	Strength	Common Brand name	Dosage Form
Renal Vitamins (Dialysis Pts. Only)* Denote on prescription for dialysis pt.		Various	Tablet
Tears Ophthalmic Drops		Various	Ophthalmic Drops
Tolnaftate Cream	1%	Tinactin	Cream
Tolnaftate Powder	1%	Tinactin	Powder
Triple Antibiotic Ointment		Neosporin	Ointment
Tripolidine/Pseudoephedrine		Actifed Syrup	Syrup
Tripolidine/Pseudoephedrine		Actifed Tablet	Tablet

*For dialysis patients only, document "FOR DIALYSIS PT." on the front of the prescription.

**For pregnant patients only, document "FOR PREGNANT PT." on the front of the prescription.

Drugs which are available over-the-counter (OTC) shall not be billed to DOM with the NDC for the legend product. NDCs of the legend product that remain covered will be subject to PA and POS requirements.

Charges to Medicaid shall be no more than what is charged to the general public for retail sale. DOM reimbursement to providers may be based on the unit price represented by the largest package size if significant cost savings would be realized.

Division of Medicaid	New:	Date:
State of Mississippi	Revised: X	Date: 02/01/04
Provider Policy Manual	Current:	12/01/06
Section: Pharmacy	Section: 31.15	
	Pages: 1	
Subject: Tobacco Cessation	Cross Reference:	

Tobacco Cessation Medications

The following types of tobacco cessation medications will be covered in the Mississippi Medicaid program:

- Nicotine lozenges
- Nicotine gum
- Nicotine patches
- Nicotine nasal spray
- Nicotine oral inhaler
- Zyban
- Over-the-counter nicotine products
- Legend or prescription nicotine replacement products

A physician's prescription will be required for all legend and over-the-counter tobacco cessation medications. Each prescription will count toward the monthly limit.

DOM is ~~authorizing~~ authorizes benefits for tobacco cessation medications for the purpose of supporting beneficiaries who are trying to quit tobacco use with the temporary assistance of nicotine replacement therapy, ~~and/or Zyban®~~. It is expected that utilization of these products will be in accordance with medical standards of practice, FDA guidelines, and manufacturers' recommendations which generally limit product use to approximately 12 weeks. DOM will monitor the beneficiary's utilization of tobacco cessation products for over utilization or misuse, and in instances where there are patterns suggesting over utilization or misuse, the prescribing physician(s) will be contacted for justification of medical necessity.

Tobacco Cessation Counseling

To maximize the effectiveness of tobacco cessation medications, the Mississippi Tobacco Quitline offers free telephone counseling through a statewide toll-free telephone number (1-877-4US2ACT).

Division of Medicaid	New:	Date:
State of Mississippi	Revised: X	Date: 06/01/05
Provider Policy Manual	Current:	12/01/06
Section: Pharmacy	Section: 31.24	
	Pages: 1	
Subject: Preferred Drug List	Cross Reference:	

The Preferred Drug List (PDL) is a list of drugs, which have been reviewed by a committee of physicians, pharmacists and nurse practitioners referred to as the Pharmacy and Therapeutics (P&T) Committee, and proposed by the Pharmacy and Therapeutics (P&T) Committee, a group of physicians, pharmacists, nurse practitioners, and/or health care professionals. Final approval is the responsibility of the Executive Director of the Division of Medicaid. The Division of Medicaid (DOM) recommends that prescribers use the drugs on the PDL list.

The preferred drug list contains a wide range of generic and preferred brand name products that have been approved by the FDA. A medication becomes a preferred drug based first on safety and efficacy, then on cost-effectiveness. Drugs on the PDL are as effective as non-preferred drugs, but offer economic benefits for beneficiaries and the State of Mississippi.

The Mississippi Medicaid Preferred Drug List is subject to change. Refer to the Pharmacy Services page on the DOM website at www.dom.state.ms.us for a current listing of prescription drugs on the PDL.

The Division of Medicaid shall not reimburse for brand name drugs if there are equally effective generic equivalents available, and the generic equivalents are the least expensive.

~~The Mississippi Medicaid Preferred Drug List is subject to change. The list will be updated as generic drugs are introduced that are alternatives to preferred brand name drugs and substitute them for the brand name drug on the PDL, as necessary. Therefore, when a brand name drug included on the PDL becomes available generically, the generic equivalent(s) will replace brand name drugs. Brand name drugs will not be included on the PDL when generic equivalents and products are available at a generic price. If the manufacturer discontinues a drug, it will be removed from the PDL.~~

Preferred Drug List Exceptions

The DOM has authorized the Pharmacy Benefits Manager to approve drugs outside the PDL if when one of the following prior authorization criteria are satisfied:

- 1) Beneficiary must have used the preferred agents for at least a thirty (30) 30 day course of treatment per drug each and failed trials, within six (6) months prior to requesting the PA and there is documentation of therapeutic failure of preferred drugs, or
- 2) Documentation of therapeutic failure of preferred drugs, or Adverse event(s) reaction(s) to preferred agents, or
- 3) Documentation of stable therapy as reflected in ninety (90) days of paid Medicaid claims. —Contraindications to preferred agent(s), i.e. drug interaction, existing medical condition preventing the use of preferred agent(s).

Drugs must be prescribed and dispensed in accordance with medically excepted indications for uses and dosages. No payment may be made under the Medicaid program for services, procedures, supplies or drugs which are still in clinical trials and/or investigative or experimental in nature.

Exceptions to the criteria may be considered if there is sufficient documentation of stable therapy as reflected in 90 days of paid Medicaid claims.

PDL exception request will be reviewed and a determination notice provided within 24 hours from receipt of request by telephone or other telecommunications device. In emergency situations, the Division will allow payment for a 72-hour supply of drugs that are to be authorized.

Refer to the Pharmacy Services page on the DOM website @ www.dom.state.ms.us for a Preferred Drug List Exception Request Form.

~~Approval will not be granted for non-FDA approved indications. No payment may be made under the Medicaid program for services, procedures, supplies or drugs which are still in clinical trials and/or investigative or experimental in nature.~~

Criteria Exceptions

Exceptions to the PDL criteria may be considered by the Pharmacy Benefits Manager if there is sufficient documentation of:

- ~~Adverse event(s) reactions(s) to preferred agents or~~
- ~~Therapeutic failure(s) of preferred agents or~~
- ~~Contraindications to preferred agent(s) i.e. drug interaction, existing medical condition preventing the use of preferred agent(s).~~

~~Refer to the Pharmacy Services page on the DOM website @ www.dom.state.ms.us for a Preferred Drug List Exception Request Form.~~