

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
150 S. Independence Mall West
Suite 216, The Public Ledger Building
Philadelphia, Pennsylvania 19106-3499



Region III/Division of Medicaid and Children's Health Operations

SWIFT #030320144005

DEC 03 2014

Cynthia Beane, MSW, LCSW
Acting Commissioner
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3706

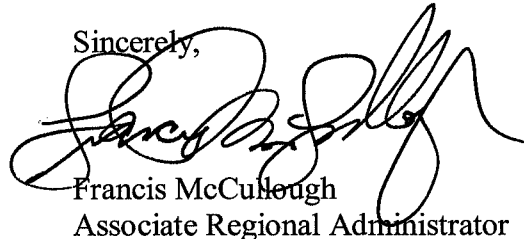
Dear Acting Commissioner Beane:

The Centers for Medicare & Medicaid Services (CMS) would like to inform you of the approval of West Virginia's State Plan Amendment (SPA) 14-003 entitled Benzodiazepines, Barbiturates, and Tobacco Cessation Products. The Pharmacy Team at CMS approved this SPA on November 21, 2014 and you were duly notified. This SPA proposes to remove the drug categories of barbiturates, benzodiazepines, and smoking cessation drugs from the list of drugs that may be excluded or restricted from coverage from the State Plan effective January 1, 2014, in accordance with the provisions of section 2502 of the Affordable Care Act which amends section 1927(d)(2) of the Social Security Act (the Act).

The effective date of this amendment is January 1, 2014. Enclosed are the approved State Plan page and a copy of the signed Form CMS-179.

If you have any questions about this SPA, please contact Margaret Kosherzenko of my staff at 215-861-4288.

Sincerely,



Francis McCullough
Associate Regional Administrator

Enclosures

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Disabled & Elderly Health Programs Group

November 21, 2014

Cynthia Beane, MSW, LCSW
Acting Commissioner, Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3706

Dear Ms. Beane:

We have reviewed the West Virginia State Plan Amendment (SPA) 14-003 received in the Philadelphia Regional Office on February 28, 2014. The State of West Virginia proposes to remove the drug categories of barbiturates, benzodiazepines and smoking cessation drugs from the list of drugs that may be excluded or restricted from coverage from the state plan effective January 1, 2014, in accordance with the provisions of section 2502 of the Affordable Care Act which amends section 1927(d)(2) of the Social Security Act (the Act) by removing barbiturates, benzodiazepines, and agents used to promote smoking cessation from the list of drugs a state Medicaid program may exclude from coverage or otherwise restrict. Based on the information provided, we are pleased to inform you that SPA 14-003 is approved with an effective date of January 1, 2014.

A copy of the CMS-179 form, as well as the pages approved for incorporation into the state plan will be forwarded by the Philadelphia Regional Office. If you have any questions regarding this amendment, please contact Madlyn Kruh at (410) 786-3239.

Sincerely,

/ s /

John M. Coster, Ph.D, R.Ph.
Director
Division of Pharmacy

cc: Francis McCullough, ARA, Philadelphia Regional Office
Margaret Kosherzenko, Philadelphia Regional Office
Alva Page, Bureau for Medical Services, West Virginia

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION		1. TRANSMITTAL NUMBER: 1 4 - 0 0 3	2. STATE: West Virginia
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE 01/01/2014	
6. TYPE OF PLAN MATERIAL (Check One) <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 8 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
8. FEDERAL STATUTE/REGULATION CITATION: 1880D-2(e)(2)(A) of the Act		7. FEDERAL BUDGET IMPACT: a. FFY 2014 \$ 747,895 d. FFY 2015 \$ 747,895	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 2 to Attachment 3.1-A & 3.1-B, page 4 <i>ME</i>		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Supplement 2 to Attachment 3.1-A and 3.1-B, page 4 <i>ME</i>	
10. SUBJECT OF AMENDMENT: Revision to include Barbiturates used in the treatment of epilepsy, cancer or a chronic mental health disorder and benzodiazepines in Part D drug coverage as Section 175 of the Medicare Improvement for Patients and Providers Act of 2008 ("MIPPA") amended section 1880D-2(e)(2)(A) of the Act provides. <i>ME</i>			
11. GOVERNOR'S REVIEW (Check One): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED: <input checked="" type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: <i>Cynthia E. Beane</i>		16. RETURN TO: Bureau for Medical Services 350 Capitol Street Room 251 Charleston West Virginia 25301	
13. TYPED NAME: Cynthia E. Beane, Acting Commissioner, MSW, LCSW			
14. TITLE: Commissioner			
15. DATE SUBMITTED: 28-Feb-14			
17. DATE RECEIVED February 28, 2014			
18. DATE APPROVED NOV 21 2014			
FOR REGIONAL OFFICE USE ONLY			
19. EFFECTIVE DATE OF APPROVED MATERIAL: JANUARY 1, 2014		20. SIGNATURE OF REGIONAL OFFICIAL: <i>Francis McCollough</i>	
21. TYPED NAME: FRANCIS McCollough		22. TITLE: Associate Regional Administrator	
23. REMARKS:			

Pen and ink change to Section 8 and Section 9 to reflect Supplement 2 to Attachment 3.1-A and 3.1-B page 4. *ME*

Pen and ink change to Section 10 to reflect the following: West Virginia submitted State Plan Amendment (SPA) 14-003, Benzodiazepines Barbiturates and Tobacco Cessation Products. SPA 14-003 proposes to remove the drug categories of barbiturates, benzodiazepines, and smoking cessation drugs from the list of drugs that may be excluded or restricted from coverage from the State Plan effective January 1, 2014, in accordance with the provisions of section 2502 of the Affordable Care Act which amends section 1927(d)(2) of the Social Security Act (the Act). *ME*

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: West Virginia

Supplement 2 to Attachments 3.1-A and 3.1-B

Page 4

3.1 AMOUNT, DURATION AND SCOPE OF ASSISTANCE

- X f. Nonprescription drugs: Nonprescription (over-the-counter or "OTC") drug coverage is limited to: Analgesics/antipyretics, antidiarrheals, antitussives, laxatives, hemorrhoidal preparations, topical antibacterial agents, topical and intravaginal antifungal agents, cough and cold preparations, contraceptives, topical acne agents, topical analgesics, antihistamines, topical antiviral agents, topical glucocorticoids, insulin, ophthalmic agents for allergic conjunctivitis, and pediculicides/scabicides. Residents in skilled and intermediate nursing facilities are excluded.
- ___ g. Drugs described in §107(c)(3) of the drug Amendments of 1962 and identical, similar or related drugs (within the meaning of §310.6(b)(1) of Title 21 of the Code of Federal Regulations ("DESP" drugs).
- ___ h. Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services will be purchased exclusively from the manufacturer or its designee.
- B. Drugs covered with limitation (applicable to all covered drug categories)
- a. Certain drugs identified by high cost, high risk or high use are subject to limitations through prior authorizations as to units or coverage periods.
- b. Certain drugs are limited by gender or age according to FDA approved indications. Prior authorization is available for on a case-by-case basis for exceptions with medical necessity justification.

TN No: 14-003

Supersedes: 13-001

Approval Date: NOV 21 2014

Effective Date: 01/01/14

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