

Special COVID-19 Letter of Direction #7

Date: May 8, 2020 (Effective Date March 11, 2020)

To: Centennial Care 2.0 Managed Care Organizations

From: Nicole Comeaux, Director, Medical Assistance Division 

Subject: Special Requirements for Pharmacy and Waiver of Signature

Title: Special Requirements for Pharmacy and Waiver of Signature Requirements

The purpose of this Letter of Direction (LOD) is to provide guidance and directives to the Centennial Care 2.0 Managed Care Organizations (MCOs) for modification of services and program standards related to the national public health emergency associated with the 2019 Novel Coronavirus (COVID-19) outbreak. The purpose of these changes is to assure the continuation of essential services to Medicaid patients without disruption or delay while following Centers for Disease Control and Prevention (CDC) direction to maximize social distancing for the duration of the public health emergency.

This Special COVID-19 LOD replaces and provides clarification to LOD #31 sections:

1. 6(a) Maintenance Drugs
2. 6(b) Controlled Substances
3. 6(c) Non-Maintenance Drugs
4. 6(d) Monitoring and Reporting of Drug Shortages
5. 2(f) Coverage of Durable Medical Equipment

This Special COVID-19 LOD also:

1. Incorporates the waiver of signature requirements sent for MCO review on April 13, 2020
2. Changes the requirement for opioid refills (Section 1B of this LOD) to process refills when a member has 3 days of supply on hand, rather than 7 days. This change is to be consistent with the New Mexico Prospective Drug Utilization Review guidelines.

1. Pharmacy Requirements:

- a. **Maintenance Drugs** – In accordance with current policy, all maintenance drugs may be dispensed in amounts up to a 90-day supply (excluding controlled substances). HSD is waiving the maximum supply requirement for maintenance drugs.

Additionally, HSD is relaxing restrictions on early medication refills as follows:

- i. 30-day prescriptions will allow a refill when the member has 2 weeks of medication on-hand, or what is allowed by the MCO if least restrictive; and
 - ii. 90-day prescriptions will allow a refill when the member has 3 weeks of medication on-hand, or what is allowed by the MCO if least restrictive.
- b. **Controlled Substances** – Drugs defined as controlled substances shall continue to be prescribed and dispensed in accordance with the requirements of the New Mexico Prospective Drug Utilization Review guidelines. For 30-day opioid and opioid-like prescriptions, HSD will allow a refill when the member has **3 days** of medication on-hand. MCOs are to advise their pharmacy providers that the dispensing pharmacy may override the “too early to fill” alert for early refill for controlled substances when a member has **7 days** of medication on hand at the pharmacy point-of-sale. Pharmacists are to use professional judgement in making the determination of when to allow an early refill with a prescriber’s approval. If pharmacists are determining it is appropriate to dispense a controlled substance prescription early due to issues such as patient’s self-isolation during the State of Emergency, it is recommended that the pharmacists document the situation.
- c. **Non-Maintenance Drugs** - Prescriptions for non-maintenance drugs are limited to 34-day supply.
- d. **Monitoring and Reporting of Drug Shortages** – The MCOs are required to work closely with their Pharmacy Benefit Managers (PBMs) to monitor the potential of drug supply chain shortages, and to report this information to HSD immediately upon learning that the supply of any particular drug item may be at risk of a shortage. This information must be reported to HSD proactively and immediately at any point that the MCO becomes aware of a potential supply chain problem.

2. **Face to Face and Signature Requirements Waived:**

- a. **Face-to-Face Requirement Waived-** HSD is waiving the face-to-face requirement for obtaining a new physician’s order and new medical necessity documentation for replacement of Durable Medical Equipment, prosthetics, orthotics, and supplies (DMEPOS) when DMEPOS are lost, destroyed, irreparably damaged, or otherwise rendered unusable.
- b. **Signature Requirement Waived-** To meet the goal of reducing face-to-face interactions, HSD is waiving and requires the MCOs to waive signature requirements for Durable Medical Equipment (DME) deliveries and prescription drugs obtained through point-of-sale transactions or through mail order delivery.
 - i. MCOs are required to allow pharmacies/pharmacists to write “COVID-19” or substantially similar language on a prescription or receipt of services and on the counseling log, which will be considered equivalent to receiving a signature from the member. This will meet the documentation requirements for prescription counseling and for members receiving their medication.
 - ii. MCOs are required to allow suppliers to document in the medical record the

appropriate date of the delivery and the equipment delivered and mention that a signature could not be obtained due to COVID-19.

The effective date of this LOD is retroactive to the date of New Mexico's emergency declaration on March 11, 2020. This COVID-19 Letter of Direction will sunset when the Human Services Department determines that the outbreak of the 2019 Novel Coronavirus (COVID-19) associated with the national public health emergency has been contained.