



HUMAN SERVICES
DEPARTMENT

Michelle Lujan Grisham, Governor
David R. Scrase, M.D., Secretary
Nicole Comeaux, J.D., M.P.H., Director

November 22, 2019

RE: Tribal Notification to Request Advice and Comments Letter 19-24: Medicaid Drug Utilization Review (DUR)

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Human Services Department's (HSD's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HSD, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m. Mountain Time (MT) through December 22, 2019**, regarding State Plan Amendment (SPA) 19-0019, Medicaid Drug Utilization Review (DUR).

The New Mexico Human Services Department (HSD) implemented provisions required by Section 1004 of the "Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Community Act," also known as the "SUPPORT for Patients and Communities Act" (SUPPORT Act).

Effective October 1, 2019, the New Mexico Medicaid program implemented the following claims review requirements in both the fee-for-service (FFS) and Centennial Care programs:

- 1. Safety Edits on Early Refills, Duplicate Fills, and Quantity Limits:** There are both prospective safety edits at point of sale (POS) and a claims review automated process to retrospectively identify when a Medicaid-enrolled individual is prescribed and fills opioid prescriptions in excess of any limitation that may be identified by duplicate fills, early fills, and/or quantity limits.
- 2. Maximum Daily Morphine Milligram Equivalent (MME) Safety Edits:** Both the prospective and retroactive drug utilization review (DUR) safety edits will include an MME threshold amount, such as the level that is recommended in the 2016 Centers for Disease Control (CDC) Guideline for primary care practitioners on prescribing opioids in outpatient setting for chronic pain.
- 3. Concurrent Utilization Alerts:** Both the prospective and retroactive DUR safety edits will provide alerts for concurrently prescribed opioid and benzodiazepines or opioids and antipsychotics, as well as potential complications resulting from other medications concurrently being prescribed with opioids.

Effective October 1, 2019 the NM Medicaid program implemented a program to monitor antipsychotic medication use by children.

Additionally, the NM Medicaid program will have a process in place to identify potential fraud or abuse of controlled substances by enrolled individuals, health care providers prescribing drugs to Medicaid enrolled individuals, and pharmacies dispensing drugs to Medicaid enrolled individuals. Prescription drug monitoring programs and lock-in programs will be utilized in order to detect and prevent opioid-related fraud and abuse.

The drug review and utilization requirements under the claim review requirements described above shall not apply with respect to an individual who is receiving hospice or palliative care or treatment for cancer; or who is a resident of a long-term care facility, a facility described in section 1905(d) of the Social Security Act, or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy.

Tribal Impact

The HSD anticipates the federally mandated changes outlined in this letter will have a positive impact on Indian Nations, Tribes, Pueblos and their health care providers. Opioid overutilization is expected to be reduced significantly due to new safety edits and drug review and utilization requirements. It is anticipated these new provisions will also reduce excessive opioid costs.

Tribal Advice and Comments

Tribes and tribal health care providers may view the proposed fee schedules on the HSD website at <https://www.hsd.state.nm.us/providers/fee-schedules.aspx>.

Important Dates

Written comments must be submitted by 5:00 p.m. Mountain Time (MT) on December 22, 2019. Please send your comments to the MAD Native American Liaison, Theresa Belanger, at (505) 827-3122 or by email to Theresa.Belanger@state.nm.us. All written comments received will be posted on the HSD website at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> along with this notification letter. The public posting will include the name and any contact information provided by the commenter.

Sincerely,



Nicole Comeaux, J.D., M.P.H.
State Medicaid Director