

August 13, 2020

**RE: Tribal Notification to Request Advice and Comments Letter 20-16: Pharmaceutical Service Reimbursement Parity**

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 **5:00pm Mountain Time (MT) through September 11, 2020**, regarding proposed changes to establish reimbursement parity for specific advanced practice pharmacists.

Effective July 1, 2020, the New Mexico Human Services Department proposes to implement Pharmaceutical Service Reimbursement Parity for pharmacist clinicians (PhC) and pharmacists certified with prescriptive authority. Pharmaceutical Service Reimbursement Parity would require all insurance programs to reimburse certified pharmacist clinicians and pharmacists certified with prescriptive authority, who are acting within the scope of their licenses, to be reimbursed at the same level as other covered providers such as physicians, physician assistants, or any advanced practice certified nurse practitioner providing the same service.

PhC's certified by the New Mexico Board of Pharmacy and under the direction of an approved supervisory physician may furnish services within their scope of practice but cannot bill directly for their services. Instead, under Medicaid, such services shall be billed by and paid to the supervising physician, physician group, clinic, hospital, IHS facility or other business entity at the lesser of the following:

- The supervising provider's billed charge;
- The Medicaid fee schedule amount for the specific service or procedure; or
- The supervising provider's usual and customary charge for the service or procedure.

Pharmacists certified with prescriptive authority for hormonal contraception, tobacco cessation, immunizations, tuberculosis testing, and Naloxone are not required to work under the supervision or direction of a physician. Therefore, the current structure of paying pharmacists with prescriptive authority for the ingredient cost plus a professional dispensing fee plus an incentive fee will be replaced by a fee-schedule structure based reimbursement to the pharmacy based on time the pharmacist spent with the patient or the complexity of the service at the same rate a physician, physician assistant or advanced practice nurse would bill for the same service.

## **Tribal Impact**

The Human Services Department does not anticipate a service or financial impact to Indian Nations, Tribes, Pueblos or their health care providers with these proposed pharmaceutical service reimbursement changes.

## **Tribal Advice and Comments**

Tribes and tribal health care providers may view the proposed changes on the HSD website at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx>, Tribal Notification **20-16**.

## **Important Dates**

**Written comments must be submitted by 5:00pm Mountain Time (MT) on September 11, 2020.** 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](mailto:Theresa.Belanger@state.nm.us). All written comments received will be posted as they are received on the HSD website at: <http://www.hsd.state.nm.us/providers/written-tribal-consultations.aspx> along with the applicable notification letter. The public posting will include the name and any contact information provided by the commenter.

**Tribal Leadership may request a government-to-government consultation by September 11, 2020.** This request may be made to: [Theresa.Belanger@state.nm.us](mailto:Theresa.Belanger@state.nm.us) or by calling (505) 827-3122.

Sincerely,



Nicole Comeaux, Director  
Medical Assistance Division

cc: Lorelei Kellogg, HSD/MAD Deputy Director  
Theresa Belanger, Native American Liaison, HSD/MAD