

**DECLARATION OF EMERGENCY**

**Department of Health  
Bureau of Health Services Financing**

**Pharmacy Benefits Management Program  
Pharmacy Copayment  
(LAC 50:XXIX.111)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXIX.111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing received approval from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) of a State Plan Amendment (SPA) relative to assessing drug copays to managed care enrollees and compliance with federal cost sharing rules. The department hereby amends the provisions governing copayment in the Pharmacy Benefits Management Program in order to add a copay tier to allow individuals with a household income of less than or equal to \$800 per month to be charged \$0 drug copays from April 1, 2019-December 31, 2019 to

align with the corresponding CMS-approved SPA in compliance with federal regulations and CMS requirements.

It is anticipated that this Emergency Rule will result in programmatic costs in the Medicaid Program of approximately \$1,228,939 for State Fiscal Year 2018-2019. This action is being taken in order to avoid federal sanctions.

Effective April 1, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing copayment in the Pharmacy Benefits Management Program.

## **Title 50**

### **PUBLIC HEALTH-MEDICAL ASSISTANCE Part XXIX. Pharmacy**

#### **Chapter 1. General Provisions**

##### **§111. Copayment**

A. - A.1. ...

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a. For dates of service April 1, 2019 through December 31, 2019, recipients with a household income of less than or equal to \$800 per month will not be subject to copay.

A.2. - C.4. ...

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 32:1055 (June 2006), amended by the Department of Health, Bureau of Health Services

Pursuant to R.S. 49:983, the Office of the State Register may make technical changes to proposed rule submissions in preparing the Louisiana Register and Louisiana Administrative Code. This is not an official copy of the Emergency Rule.

Financing, LR 43:1181 (June 2017), LR 43:1553 (August 2017),  
LR:45

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH

Secretary

*Cindy Riva*  
3.28.19