

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division)	410
Agency and Division	Administrative Rules Chapter Number
Cheryl Peters	500 Summer St NE, Salem, OR 97301
Rules Coordinator	Address
	503-945-6527
	Telephone

RULE CAPTION

Change in Clozaril Monitoring coding and re-write rule for clarity

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

6/17/2013	10:30	500 Summer St NE, Salem, OR 97301, Room 137C	Cheryl Peters
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 410-121-0190

REPEAL:

Stat. Auth. : ORS 413.042 & 414.065

Other Auth.: None

Stats. Implemented: ORS 414.065

RULE SUMMARY

The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division temporarily amended 410-121-0190 for clarity.

410-121-0190 – rule re-written to clarify Clozaril Management Monitoring and Medication Therapy Management Services billing

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

6/19/2013 by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)







Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division)
Agency and Division

410

Administrative Rules Chapter Number

Change in Clozaril Monitoring coding and re-write rule for clarity

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: The proposed amendment of OAR 410-121-0190

Statutory Authority: ORS 413.042 and 414.065

Other Authority: None.

Stats. Implemented: ORS 414.065

Need for the Rule(s): The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division temporarily amended 410-121-0190 for clarity.

The Authority needs to implement changes to this rule to ensure the safe and appropriate use of Clozaril for the Oregon Health Plan's fee-for-service recipients.

- 410-121-0190 – rule re-written to clarify Clozaril Management Monitoring and Medication Therapy Management Services billing

Documents Relied Upon, and where they are available: Current Procedural Terminology National Code Set changes effective 1/1/13

Fiscal and Economic Impact: None

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Coding changes require State to change policy to ensure access to services for Medicaid clients.

2. Cost of compliance effect on small business (ORS 183.336): Compliance will be improved with these rule clarifications.

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: There is no additional cost to small business due to this change.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None

c. Equipment, supplies, labor and increased administration required for compliance: None

How were small businesses involved in the development of this rule? All pharmacies dispensing Clozaril to clients.

Administrative Rule Advisory Committee consulted?: No, as this was a National Code Set change that was noticed by local and national organizations as well as the agencies/entities responsible for the CPT code set.

If not, why?:

Rhonda Busek

Signature

Rhonda Busek

Printed name

5-3-13

Date

RULE RE-WRITTEN

410-121-0190 Medication Therapy Management Services and Clozapine Therapy Monitoring

- (1) Clozapine monitoring protocol requires enhanced record keeping and reporting to the drug manufacturer in order to dispense the medication;
- (2) Clozapine monitoring includes documentation of client's diagnosis, dosage, dosage changes, appropriate laboratory reports (e.g. white blood cell counts), evaluation intervals, and submission of appropriate information to drug manufacturer to allow dispensing of medication;
- (3) Clozapine monitoring is to be billed using appropriate Medication Therapy Management Services (MTMS) Current Procedural Terminology (CPT) code with the modifier TC appended. This is limited to no more than 5 units in 30 day time period per client, including the 30 day period from the date of discontinuation of clozapine therapy;
- (4) Clozapine monitoring must be billed by a pharmacy;
- (5) MTMS rendered outside of clozapine management must be performed by a licensed pharmacist and must be billed to appropriately reflect the performing provider. These encounters must be billed using the appropriate MTMS CPT code without the TC modifier.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065