

Table of Contents

State/Territory Name: Maine

State Plan Amendment (SPA) #:13-013

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Cover letter
- 3) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Center for Medicaid and CHIP Services
Disabled and Elderly Health Programs Group

December 4, 2015

Mary C. Mayhew, Commissioner
Department of Health and Human Services
Commissioner's Office
11 State House Station
Augusta, Maine 04333-001

Dear Commissioner Mayhew:

We have reviewed Maine State Plan Amendment (SPA) 13-013 received in the Boston Regional Office on May 10, 2013. Under this SPA, the state proposes changes in pharmacy coverage as required by Section 175 of the Medicare Improvement for Patients and Providers Act of 2008 which amended section 1860D-2(e) (2)(A) of the Act to include barbiturates "used in the treatment of epilepsy, cancer, or a chronic mental health disorder" and benzodiazepines in Part D drug coverage. We are pleased to inform you that the amendment is approved with an effective date of April 1, 2013.

A copy of the CMS-179 form, as well as the pages approved for incorporation into the Maine state plan, will be forwarded by the Boston Regional Office. If you have any questions regarding this amendment, please contact Renee Hilliard at (410) 786-2991.

Sincerely,

/s/

John Coster
Director,
Division of Pharmacy

cc: Rich McGreal, ARA, Boston Regional Office

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
JFK Federal Building, Government Center
Room 2275
Boston, Massachusetts 02203



Division of Medicaid and Children's Health Operations / Boston Regional Office

December 4, 2015

Mary C. Mayhew, Commissioner
Department of Health and Human Services
Commissioner's Office
11 State House Station
Augusta, Maine 04333-001

Dear Commissioner Mayhew:

We are pleased to enclose a copy of approved Maine State Plan Amendment (SPA) No. 13-013, which was submitted to my office on May 10, 2013. This SPA transmitted a proposed amendment to Maine's approved Title XIX State Plan to update the pharmacy coverage section of the state plan to align with requirements of Section 175 of the Medicare Improvement for Patients and Providers Act of 2008. The SPA has been approved effective April 1, 2013.

Changes are reflected in the following sections of your approved State Plan:

- Attachment to Attachment 3.1A, pages 5.1 and 5.2 were amended

If you have any questions you may contact Aimee Campbell-O'Connor at (617) 565-1642 or by email at Aimee.Campbell-Oconnor@cms.hhs.gov.

Sincerely,

/s/

Richard R. McGreal
Associate Regional Administrator

cc: Stefanie Nadeau, Director, Office of MaineCare Services
John M. Coster, Director, CMS, Division of Pharmacy

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**1. TRANSMITTAL NUMBER:
13-0132. STATE
Maine**FOR: HEALTH CARE FINANCING ADMINISTRATION**3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)TO: REGIONAL ADMINISTRATOR
Centers for Medicare and Medicaid Services
Department of Health and Human Services4. PROPOSED EFFECTIVE DATE
April 1, 2013

5. TYPE OF PLAN MATERIAL (Check One):

☐ NEW STATE PLAN☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

1902(A)(10)(A)(i)(I), (ii)(IV), (X)

SECTION 175 OF THE MEDICARE IMPROVEMENT FOR PATIENT AND
PROVIDERS ACT OF 2008

7. FEDERAL BUDGET IMPACT:

a. FFY 2013 \$ -247,618.20

b. FFY 2014 \$ -324,775.46

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Attachment 3.1-A Page ~~XX~~ 5.1Attachment 3.1-A Page ~~XX~~ 5.29. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable):Attachment 3.1-A Page ~~XX~~ 5.1Attachment 3.1-A Page ~~XX~~ 5.2

10. SUBJECT OF AMENDMENT:

Prescription Drugs Services – Excluded Drugs, Barbiturates & Benzodiazepine

11. GOVERNOR'S REVIEW (Check One):

☐ GOVERNOR'S OFFICE REPORTED NO COMMENT☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL☒ OTHER, AS SPECIFIED:

Commissioner, Dept. of Health and Human Services

12. SIGNATURE OF STATE AGENCY OFFICIAL:
/s/

13. TYPED NAME:

Mary C. Mayhew

14. TITLE:

Commissioner, Department of Health and Human Services

15. DATE SUBMITTED:

5/10/2013

16. RETURN TO:

Stefanie Nadeau

Director, MaineCare Services

#11 State House Station

242 State Street

Augusta, Maine 04333-0011

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

5/10/13

18. DATE APPROVED:

12/4/15

PLAN APPROVED – ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

4/1/13

20. SIGNATURE OF REGIONAL OFFICIAL:
/s/

21. TYPED NAME:

Richard McGreal

22. TITLE:

Associate Regional Administrator

23. REMARKS:

The state provided pen and ink authorization to update boxes 8 and 9 to be consistent with the pages submitted.

State/Territory:

Maine

Effective January 1, 2006, the Medicaid agency will not cover any Part D drug for full-benefit dual eligible individuals who are entitled to receive Medicare benefits under Part A or Part B.

The Medicaid agency provides coverage for the following excluded or otherwise restricted drugs or classes of drugs, or their medical uses to all Medicaid recipients, including full benefit dual eligible beneficiaries under the Medicare Prescription Drug Benefit –Part D:

☒ **The following excluded drugs are covered:**

☐ **Drugs when used for anorexia, weight loss, weight gain**

(None)

☐ **Drugs when used to promote fertility**

(None)

☐ **Drugs when used for cosmetic purposes or hair growth**

(None)

☒ **Drugs when used for the symptomatic relief of cough and colds**

Systemic decongestants, topical decongestants, antitussive-expectorants

☒ **Prescription vitamins and mineral products**

☒ **Non-prescription drugs (Over-the-Counter)**

Analgesic; antiasthmatics; otic agents; gastro intestinal (GI) agents including GI- anti-flatulents, GI stimulants, GI-antidiarrheal/antacids, antiperistaltic agents, GI-digestive enzymes, GI-H2-Antagonists, GI-misc. and GI-proton pump inhibitors; NSAIDS; Ophthalmic artificial tears and lubricants; other antihistamines; topical antifungals; topical corticosteroids; topical anesthetics; and iron.

☒ **Barbiturates - drugs used before surgery to relieve anxiety or tension, to help control seizures in certain disorders or diseases, sometimes used to relieve nervousness or restlessness during the daytime. Except for dual eligible individuals, when used in the treatment of epilepsy, cancer or a chronic mental health disorder, as Part D will cover those indications**

State/Territory:

Maine

all

- ☒ **Benzodiazepines (drugs used to relieve anxiety, treat insomnia (trouble in sleeping), or help relax muscles or relieve muscle spasms). Except for dual eligible individuals, as Part D will cover all indications.**

all

- ☒ **Smoking Cessation (except dual eligible as Part D will cover)**

Effective September 1, 2012, smoking cessation products will only be covered for pregnant women, in accordance with Section 4107 of the Patient Protection and Affordable Care Act.