



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

Region 10  
2201 Sixth Avenue, MS/RX 43  
Seattle, Washington 98121

**MAY 24 2012**

Doug Porter, Director  
Health Care Authority  
Post Office Box 45502  
Olympia, WA 98054-5502

**RE: Washington State Plan Amendment (SPA) Transmittal Number 11-029**

Dear Mr. Porter:

This letter is being sent as a companion to the Centers for Medicare & Medicaid (CMS) approval of Washington State Plan Amendment (SPA) Transmittal Number 11-029, which was submitted on Sept. 29, 2011. Washington submitted this SPA to add certain services to comply with section 4107 of the Patient Protection and Affordable Care Act to provide for Medicaid coverage of comprehensive tobacco cessation services for pregnant women, including both counseling and pharmacotherapy, without cost sharing.

Regulations at 42 CFR 430.10 require that the State plan be a comprehensive written statement describing the nature and scope of the State's Medicaid program and that it contain all information necessary for CMS to determine whether the plan can be approved to serve as the basis for Federal Financial Participation (FFP) in the State program. The CMS' analysis determined that additional changes related to coverage of tobacco cessation services, as specified below, are needed in the Washington Medicaid State Plan.

- 1) With regards to tobacco cessation coverage under the pharmacy coverage section, we recognize that the state already covers tobacco cessation drugs for pregnant women and that SPA 11-029 is not proposing to amend Attachment 3.1-A Page 32b, 12. a. (x), or Attachment 3.1-B Page 32b, 12. a. (x). However, as this is a Tobacco Cessation SPA, we reviewed the aforementioned pages and request that the State:
  - a) amend the bulleted section by deleting the following verbiage "who are eighteen years of age and older"
  - b) incorporate the following language to the aforementioned section as amended by section 4107 of the Affordable Care Act in the State Plan:

"The Medicaid agency will provide coverage of prescription and over-the-counter (OTC) smoking/tobacco cessation covered outpatient drugs for

pregnant women as recommended in "Treating Tobacco Use and Dependence - 2008 Update: A Clinical Practice Guideline" published by the Public Health Service in May 2008 or any subsequent modification of such guideline."

- 2) Please clarify whether beneficiaries that are 21 years of age and younger have to participate in the department approved smoking cessation program in order to obtain FDA-approved prescription drugs to promote smoking cessation.

The state has 90 days from the date of this letter to address the needed revisions described above. Within that period the State must submit a SPA in order to revise the state plan. Failure to respond will result in the initiation of a formal compliance process. During the 90 days, CMS will provide technical assistance, as needed or required.

If you have questions concerning this letter, please contact me, or have your staff contact Tania Seto at (206) 615-2343 or via email at [tania.seto@cms.hhs.gov](mailto:tania.seto@cms.hhs.gov).

Sincerely,



Carol J.C. Peverly  
Associate Regional Administrator  
Division of Medicaid and Children's Health  
Operations

cc: Ann Myer, State Plan Coordinator