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State/Territory Name: Ohio

State Plan Amendment (SPA) #: OH-22-0036

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Center for Medicaid and CHIP Services

Disabled and Elderly Health Programs Group

March 13, 2023

Maureen M. Corcoran, Director
Ohio Department of Medicaid
P.O. Box 182709
50 West Town Street, Suite 400
Columbus, OH 43215

Dear Maureen Corcoran:

The CMS Division of Pharmacy team has reviewed Ohio's State Plan Amendment (SPA) 22-0036, received in the CMS Division of Program Operations on December 21, 2022. This SPA proposes to continue coverage of prescribed drugs that are not covered outpatient drugs in cases of a drug shortage, where the state determines coverage of the drug (including a drug authorized for import by the FDA) is medically necessary.

Based on the information provided and consistent with the regulations at 42 CFR 430.20, we are pleased to inform you that OH-22-0036 is approved with an effective date of May 12, 2023. We are attaching a copy of the signed, revised CMS-179 form, as well as the page approved for incorporation into Ohio's state plan.

If you have any questions regarding this state plan amendment, please contact Patti Nussle at Patricia.Nussle@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of Cynthia R. Denemark.

Cynthia R. Denemark, R.Ph.
Acting Director, Division of Pharmacy

cc: Rebecca Jackson, Ohio Department of Medicaid
Gregory Niehoff, Ohio Department of Medicaid
Tiffany Williams, Ohio Department of Medicaid
Sean Eckard, Ohio Department of Medicaid
Christine Davidson, CMS, Medicaid and CHIP Operations Group

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 2 — 0 3 6

2. STATE

OH

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

May 12, 2023

5. FEDERAL STATUTE/REGULATION CITATION

1905(a)(12); 42 CFR 440.120

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2023 \$ 0
b. FFY 2024 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1-A, Item 12-a, page 3

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Attachment 3.1-A, Item 12-a, page 3 (TN 17-023)

9. SUBJECT OF AMENDMENT

Coverage of Prescribed Drugs in Cases of a Drug Shortage

10. 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:
The State Medicaid Director is the Governor's designee

11. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

12. TYPED NAME MAUREEN M. CORCORAN

13. TITLE STATE MEDICAID DIRECTOR

14. DATE SUBMITTED
December 21, 2022

15. RETURN TO

Tiffany Williams
Ohio Department of Medicaid
P.O. BOX 182709
Columbus, Ohio 43218

FOR CMS USE ONLY

16. DATE RECEIVED
December 21, 2022

17. DATE APPROVED
March 13, 2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
May 12, 2023

19. [Redacted]

20. TYPED NAME OF APPROVING OFFICIAL
Cynthia R. Denemark, R.Ph.

21. TITLE OF APPROVING OFFICIAL
Acting Director, Division of Pharmacy

22. REMARKS

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

a. Prescribed drugs

Selected over-the-counter drugs provided by nursing facilities for their recipient-residents are included in the nursing facility services. Nursing facilities receive a per diem amount that includes payment for selected over-the-counter drugs and are responsible for ensuring that their recipient-residents obtain those drugs. For dates of service on or after 8/1/09, selected over-the-counter drugs are paid for by the nursing facilities and are not eligible for reimbursement on a fee-for-service basis. Reimbursement methodology for nursing facilities is described in Attachment 4.19-D.

Select active pharmaceutical ingredients (APIs) and excipients used in extemporaneously compounded prescriptions are covered when dispensed by a participating pharmacy provider pursuant to a prescription issued by a licensed prescriber following all state and federal laws. A list of the covered APIs and excipients can be found at the following:

<http://pharmacy.medicaid.ohio.gov/drug-coverage>.

Drug Shortages: Prescribed drugs that are not covered outpatient drugs (including drugs authorized for import by the Food and Drug Administration) are covered when medically necessary during drug shortages identified by at least one of the following:

1. The United States Food and Drug Administration (US FDA)
2. The American Society of Health-System Pharmacists (ASHP)

Excluded Drug Coverage of Smoking/Tobacco Cessation Products for Pregnant Women

The Medicaid agency will provide coverage of prescription and over-the-counter (OTC) tobacco/smoking 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.

TN: 22-036

Supersedes:

TN: 17-023

Approval Date: 03/13/2023

Effective Date: 05/12/2023