

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Health Care Finance**



Office of the Senior Deputy Director and Medicaid Director

**Transmittal 23-21**

**TO:** DC Medicaid Providers

**FROM:** Melisa Byrd  
Senior Deputy Director and Medicaid Director

**DATE:** April 12, 2023

**SUBJECT: Pharmacy Program Changes Following the End of the Federal Public Health Emergency**

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**Purpose**

The purpose of this transmittal is to outline various pharmacy flexibilities that are expiring with the end of the federal public health emergency (PHE) on May 11, 2023. In April 2020, the Centers for Medicare & Medicaid Services (CMS) approved an 1135 Waiver submitted by the Department of Health Care Finance (DHCF), which suspended various pharmacy requirements during the PHE.<sup>1</sup> This transmittal reverses many of the temporary program changes outlined in [Transmittal #20-16](#), published April 21, 2020.

**Expiring Flexibilities**

The following flexibilities will sunset with the end of the PHE on May 11, 2023. Providers will be expected to resume pre-pandemic practices outlined below.

- **Signature Requirements**  
DHCF waived the beneficiary signature requirement for pharmacy services during the PHE. Beginning May 12, 2023, providers will be required to capture the Medicaid beneficiary's signature at the pharmacy counter or site of medication delivery.
  
- **Early refills**  
During the PHE, beneficiaries were able to, upon request, receive up to a 30-day advanced supply of non-maintenance prescription medication(s). Providers were able to use Early

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<sup>1</sup> Under section 1135 of the Social Security Act, the Secretary of the U.S. Department of Health and Human Services (HHS) may temporarily waive or modify Medicaid requirements to ensure sufficient health care items and services are available to meet the needs of individuals enrolled in Medicaid during the time that an emergency is declared.

refill DUE code “ER” in NCPDP field: 439E-4. Beginning May 12, 2023, the use of this DUE code will require prior authorization through the Pharmacy Benefit Manager (PBM), Magellan.

- **Prior Approval Actions**

During the PHE, the following actions regarding prior approvals were allowed:

- 90-day extensions of existing prior approvals without additional documentation from a prescriber;
- Up to a 90-day prior approval for newly prescribed covered medications without additional documentation from a prescriber; and,
- Prior authorization is not required for non-opioids and schedule III-V Controlled Substances.

Beginning May 12, 2023, providers will be required to receive necessary prior approval requests and documentation from the prescriber.

### **Extended Flexibilities**

On March 3, 2023, DHCF submitted a Disaster state plan amendment to CMS to extend the following flexibilities that were implemented during the PHE. These flexibilities will continue through May 11, 2024.

- **Preferred Drug List (PDL) updates**

In response to the COVID-19 pandemic and reported drug shortages, DHCF decided to make exceptions to the PDL for the following medications:

- All covered National Drug Codes of albuterol inhaler (brand and generic); and,
- All covered National Drug Codes of albuterol solution and COPD inhalers.

- **90-day supply of maintenance medications**

Providers were given the flexibility to write prescriptions for up to 90 days for supplies of maintenance medications. The list of applicable maintenance medications can be found at <https://www.dc-pbm.com>. Please note that DHCF will work to make this change **permanent** during the one-year extension.

### **Contact**

If you have questions, please contact Charlene Fairfax, RPh, Senior Pharmacist, Health Care Delivery Management Administration (HCDMA), DHCF at [Charlene.fairfax@dc.gov](mailto:Charlene.fairfax@dc.gov) or (202) 442-9076, or Gidey Amare, PharmD, RPh, Pharmacist, HCDMA, DHCF at [gidey.amare@dc.gov](mailto:gidey.amare@dc.gov) or (202) 442-5952.

**cc:** DC Behavioral Health Association  
DC Coalition of Disability Service Providers  
DC Health Care Association  
DC Home Health Association  
DC Hospital Association  
DC Primary Care Association  
Medical Society of the District of Columbia