

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," and Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments allow pharmacies that administer the influenza vaccine available through the Vaccines for Children (VFC) program to receive reimbursement for administration of the vaccine to Medicaid members.

Physician offices may run out of the VFC influenza vaccine or may not stock the VFC vaccines and may send the Medicaid member to the pharmacy for administration. Under these amendments, pharmacies will be reimbursed for the administration of the influenza vaccine in the same manner that a physician is reimbursed for vaccine administration. The Department has issued exceptions to policy to allow this practice, but the exception process is administratively burdensome and causes a timeliness issue for the vaccination.

These amendments do not provide for waivers in specified situations since they expand the availability of services. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on September 15, 2010.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and contrary to the public interest because the goal of the amendments is to make influenza vaccine more accessible before the start of the influenza season. Prevention of outbreaks of influenza is in the public interest.

The Department finds that these amendments confer a benefit by providing additional access to influenza vaccine for Medicaid-eligible children. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as ARC 9133B to allow for public comment.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments shall become effective November 1, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new rule 441—78.42(249A):

441—78.42(249A) Pharmacies administering influenza vaccine to children. Payment will be made to a pharmacy for the administration of influenza vaccine available through the vaccines for children program administered by the department of public health if the pharmacy is enrolled in the vaccines for children program. No payment will be made for the vaccine.

ITEM 2. Amend subrule 79.1(2) by adopting the following new provider category:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Pharmacy administration of influenza vaccine to children	Physician fee schedule for immunization administration	Fee schedule in effect 11/30/09 less 5%.

[Filed Emergency 9/15/10, effective 11/1/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/10.