

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

This amendment removes the remaining exclusions from Medicaid coverage for drugs to promote cessation of smoking. Public Law 111-148, the Patient Protection and Affordable Care Act, mandates coverage of smoking cessation products for pregnant women by October 1, 2010, and for all Medicaid members by January 1, 2014. State Medicaid Director Letter 11-007, published June 24, 2011, clarified that all smoking cessation products (legend and over-the-counter) must be covered. Currently, Iowa does not cover legend nicotine nasal spray and oral inhaler products. Because of the limited cost expected, the Department has decided to expand coverage for all members at this time for ease of administration.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 9834B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendment on or before November 22, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specified situations since it expands Medicaid coverage.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4 and Sections 4107 and 2502 of Public Law 111-148.