

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

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,” Iowa Administrative Code.

These amendments affect Medicaid coverage for drugs by:

- Removing coverage for lipase inhibitor drugs when used to promote weight loss;
- Removing coverage for prescription drugs and certain nonprescription products used for symptomatic relief of cough and colds; and
- Updating the list of covered nonprescription drugs to reflect current rebatable drugs.

2011 Iowa Acts, House File 649, allows the Department to implement the Medicaid cost containment strategies recommended by Governor Branstad. Federal Medicaid law allows states to exclude coverage for these two categories of drugs, and eliminating coverage for them is one of the recommended strategies.

Lipase inhibitor drugs are the only weight-loss drug category currently covered in Iowa. There is one covered lipase inhibitor drug which will no longer be payable. This drug has minimal utilization (due to side effects) and effectiveness. Alternative nonpharmaceutical treatment options exist that are at least as effective as, if not more effective than, that drug.

Iowa presently covers a limited number of preferred nonprescription and prescription cough and cold products. These amendments retain coverage only for products that are both cost-effective and supported by sufficient clinical evidence. Coverage for all prescription cough and cold products is eliminated. These products tend to be combinations of multiple ingredients, some at subtherapeutic doses that have minimal effectiveness, with an increased tendency toward side effects and drug interactions. Alternative nonpharmaceutical options for treatment also exist.

Nonprescription products that contain only one or two ingredients, a decongestant and cough syrup containing dextromethorphan, will remain payable. There is evidence to support or expert opinion recommending treatment of symptomatic cold symptoms with a decongestant and some evidence to support the use of dextromethorphan.

These amendments were Adopted and Filed Emergency and were published in the Iowa Administrative Bulletin on September 7, 2011, as **ARC 9699B**. Notice of Intended Action to solicit comment on these amendments was published as **ARC 9700B** on the same date. The Department received no comments on the Notice of Intended Action. The items have been changed to rescind the amendments that were previously Adopted and Filed Emergency and to adopt new language in lieu thereof. However, the new language is identical to that Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on November 9, 2011.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department’s appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [78.2(4)^b, 78.2(5)] is being omitted. These amendments are identical to those published under Notice as **ARC 9700B** and Adopted and Filed Emergency as **ARC 9699B**, IAB 9/7/11.

[Filed 11/9/11, effective 1/4/12]

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