

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.

Vaccines for Children (VFC) is a federal program administered in Iowa through the Iowa Department of Public Health. When providers enroll in the program, they receive covered vaccines at no cost. Therefore, no reimbursement for these vaccines has been allowed in the Iowa Medicaid program. However, if the VFC program stock is depleted, providers must administer vaccines acquired from other sources. Iowa Medicaid has been paying for vaccines in these circumstances through the exception to policy (waiver) process, which is time-consuming and cumbersome.

The proposed amendments would allow Medicaid providers to bill Medicaid for a vaccine ordinarily furnished through the VFC program when the VFC program has no remaining stock of that vaccine. The amendments affect coverage limitations for physicians, hospital inpatient and outpatient services, home health agencies, screening centers, rural health centers, family planning clinics, other clinics, maternal health centers, birth centers, federally qualified health centers, advanced registered nurse practitioners, pharmacies (for influenza vaccine only), and local education agencies.

Any interested person may make written comments on the proposed amendments on or before January 31, 2012. 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.

These amendments do not provide for waivers in specified situations because reimbursement for vaccines when VFC program stock is depleted will benefit the providers affected. 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.

The following amendments are proposed.

ITEM 1. Rescind paragraph **78.1(2)“e”** and adopt the following **new** paragraph in lieu thereof:

e. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a physician must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 2. Amend paragraph **78.1(3)“f”** as follows:

f. ~~Payment will not be approved for vaccines which are available through the Vaccines for Children (VFC) program. In lieu of payment, vaccines available through the Vaccines for Children program shall be accessed from the department of public health~~ will be approved only if the VFC program stock has been depleted.

ITEM 3. Rescind paragraph **78.3(5)“b”** and adopt the following **new** paragraph in lieu thereof:

b. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a hospital must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 4. Rescind subrule 78.9(11) and adopt the following **new** subrule in lieu thereof:

78.9(11) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a home health agency must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 5. Rescind subrule 78.18(1) and adopt the following **new** subrule in lieu thereof:

78.18(1) In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a screening center must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 6. Rescind subrule 78.21(3) and adopt the following **new** subrule in lieu thereof:

78.21(3) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a rural health center must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 7. Rescind subrule 78.22(2) and adopt the following **new** subrule in lieu thereof:

78.22(2) In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a family planning clinic must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 8. Rescind subrule 78.23(4) and adopt the following **new** subrule in lieu thereof:

78.23(4) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a clinic must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 9. Amend rule 441—78.25(249A) as follows:

441—78.25(249A) Maternal health centers. Payment will be made for prenatal and postpartum medical care, health education, and transportation to receive prenatal and postpartum services. Payment will be made for enhanced perinatal services for persons determined high risk. These services include additional health education services, nutrition counseling, social services, and one postpartum home visit. Maternal health centers shall provide trimester and postpartum reports to the referring physician. Risk assessment using Form 470-2942, Medicaid Prenatal Risk Assessment, shall be completed at the initial visit during a Medicaid member's pregnancy. If the risk assessment reflects a low-risk pregnancy, the assessment shall be completed again at approximately the twenty-eighth week of pregnancy. If the risk assessment reflects a high-risk pregnancy, referral shall be made for enhanced services. (See description of enhanced services at subrule 78.25(3).)

~~Vaccines available through the Vaccines for Children program under Section 1928 of the Social Security Act are not covered as maternal health center services. Maternal health centers that wish to administer those vaccines to Medicaid members shall enroll in the Vaccines for Children program and obtain the vaccines from the department of public health. Maternal health centers shall receive reimbursement for the administration of vaccines to Medicaid members.~~

78.25(1) to 78.25(3) No change.

78.25(4) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a maternal health center must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

This rule is intended to implement Iowa Code section 249A.4.

ITEM 10. Rescind subrule 78.30(2) and adopt the following **new** subrule in lieu thereof:

78.30(2) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a birth center must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 11. Rescind paragraph **78.31(2)“h”** and adopt the following **new** paragraph in lieu thereof:

h. Vaccines. In order to be paid for the outpatient administration of a vaccine covered under the Vaccines for Children (VFC) program, a hospital must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 12. Rescind subrule 78.39(3) and adopt the following **new** subrule in lieu thereof:

78.39(3) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a federally qualified health center must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 13. Rescind subrule 78.40(4) and adopt the following **new** subrule in lieu thereof:

78.40(4) Vaccines. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, an advanced registered nurse practitioner must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.

ITEM 14. Amend rule 441—78.42(249A) as follows:

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~~ Vaccines for Children (VFC) program administered by the department of public health if the pharmacy is enrolled in the ~~vaccines for children~~ VFC program. ~~No payment~~ Payment will be made for the vaccine only if the VFC program stock has been depleted.

This rule is intended to implement Iowa Code section 249A.4.

ITEM 15. Rescind paragraph **78.50(1)“a”** and adopt the following **new** paragraph in lieu thereof:

a. In order to be paid for the administration of a vaccine covered under the Vaccines for Children (VFC) program, a local education agency must enroll in the VFC program. Payment for the vaccine will be approved only if the VFC program stock has been depleted.