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State/Territory Name: Maryland

State Plan Amendment (SPA) #: 12-09

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form
- 3) Approved SPA Pages

Disabled & Elderly Health Programs Group

JAN 4 2013

Mr. Charles J. Milligan, Jr.
Deputy Secretary
Office of Health Services
Department of Health & Mental Hygiene
201 W. Preston Street, 1st Floor
Baltimore, MD 21201
Attn: Susan J. Tucker



Dear Mr. Milligan:

We have reviewed Maryland State Plan Amendment (SPA) 12-09, to reflect changes in pharmacy coverage required by Section 175 of the Medicare Improvement for Patients and Providers Act of 2008 which amended section 1860D-2(e)(2)(A) of the Act to include barbiturates "used in the treatment of epilepsy, cancer, or a chronic mental health disorder" and benzodiazepines in Part D drug coverage effective as of January 1, 2013, received in the Regional Office on November 5, 2012.

We are pleased to inform you that the amendment is approved, effective January 1, 2013. A copy of the CMS-179 form, as well as the pages approved for incorporation into the Maryland state plan, will be forwarded by the Philadelphia Regional Office. If you have any questions regarding this amendment, please contact Terry Simananda at (410) 786-8144.

Sincerely,

Larry Reed
Director
Division of Pharmacy

cc: Fran McCullough, ARA, Philadelphia Regional Office
Andrea Cunningham, Philadelphia Regional Office

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	1. TRANSMITTAL NUMBER: 12-09	2. STATE Maryland
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE January 1, 2013	

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN
 AMENDMENT TO BE CONSIDERED AS NEW PLAN
 AMENDMENT
 COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION: Section 175 of the MIPPA of 2008	7. FEDERAL BUDGET IMPACT: a. FFY 2012 \$ 0 2013 (\$ 345,000) b. FFY 2013 \$ 0 2014 (\$ 400,000)
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 3.1A Page 25-2	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 3.1A Page 25-2 (11-16)

10. SUBJECT OF AMENDMENT: This amendment is to reflect changes in pharmacy coverage required by Section 175 of the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA) which amended section 1860D-2(e)(2)(A) of the Act to include barbiturates "used in the treatment of epilepsy, cancer, or a chronic mental health disorder" and benzodiazepines in Part D drug coverage effective as of January 1, 2013.

11. GOVERNOR'S REVIEW (Check One):
 GOVERNOR'S OFFICE REPORTED NO COMMENT
 OTHER, AS SPECIFIED: The Secretary of the Department of Health and Mental Hygiene
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL: 13. TYPED NAME: Charles J. Milligan, Jr.	16. RETURN TO: Susan J. Tucker Executive Director Office of Health Services Department of Health & Mental Hygiene 201 W Preston St, 1 st floor Baltimore MD 21201
14. TITLE: Deputy Secretary, Health Care Financing, Department of Health and Mental Hygiene	
15. DATE SUBMITTED: 11/5/2012	

FOR REGIONAL OFFICE USE ONLY	
17. DATE RECEIVED: 11/5/2012	18. DATE APPROVED: 1/4/2013
PLAN APPROVED - ONE COPY ATTACHED	

19. EFFECTIVE DATE OF APPROVED MATERIAL: January 1, 2013

21. TYPED NAME: Francis T. McCullough
 22. TITLE: Associate Regional Administrator

23. REMARKS:
 12/11/12 - Pen and Ink (P+I) changes authorized by state for block # 6
 12/11/12 - Pen and Ink (P+I) changes authorized by state for block # 7

State: Maryland

MEDICAID PROGRAM: REQUIREMENTS RELATING TO PAYMENT FOR COVERED
OUTPATIENT DRUGS FOR THE CATEGORICALLY NEEDY

12. A. Prescribed Drugs
1927(d)(2) and 1935(d)(2)

1. The Medicaid agency provides coverage for the following excluded or otherwise restricted drugs or classes of drugs, or their medical uses to all Medicaid recipients, including full benefit dual eligible beneficiaries under the Medicare Prescription Drug Benefit -Part D.

The following excluded drugs are covered:

- (a) Agents when used for anorexia, weight loss, weight gain (Only legend products that are not CNS stimulants are covered eg. Xenical)
- (b) Agents when used to promote fertility
- (c) Agents when used for cosmetic purposes or hair growth
- (d) Agents when used for the symptomatic relief cough and colds (Only legend products are covered)
- (e) Prescription vitamins and mineral products, except prenatal vitamins and fluoride
- (f) Nonprescription drugs (enteric coated aspirin and OTC's on the preferred drug list are covered)
- (g) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee (see specific drug categories below)
- (h) Barbiturates (Except for dual eligible individuals effective January 1, 2013 when used in the treatment of epilepsy, cancer or a chronic mental health disorder as Part D will cover those indications)
- (i) Benzodiazepines (Except for dual eligible individuals effective January 1, 2013 as Part D will cover all indications)

(The Medicaid agency lists specific category of drugs below)

No excluded drugs are covered.

TN # 12-09
Supersedes TN # 11-16

Approval Date JAN 04 2013

Effective Date JAN 01 2013