

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

AUG - 2 2011

Gloria Nagle, PhD, MPA
Associate Regional Administrator
Centers for Medicare and Medicaid Services
Division of Medicaid and Children's Health
90 7th Street, Suite 5-300 (5W)
San Francisco, CA 94103-6707

Dear Dr. Nagle:

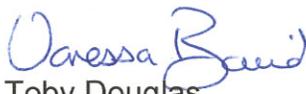
In response to comments and guidance provided by the Centers for Medicare and Medicaid Services (CMS), the California Department of Health Care Services (DHCS) is withdrawing SPA 11-015, which updates the benefit for enteral nutrition products. DHCS originally submitted SPA 11-015 on May 27, 2011.

Upon review of SPA 11-015, CMS determined that the changes DHCS proposed adding to the "Program Coverage" section of the State Plan are not service limits, but rather, medical necessity requirements that need not go into the State Plan. Instead, per CMS advice, DHCS will add the following language to DHCS's medical necessity criteria for the enteral nutrition products benefit:

Limited to enteral nutrition products to be administered through a feeding tube (beneficiaries under the Early and Periodic Screening, Diagnosis, and Treatment Program are exempt). The department may deem an enteral nutrition product, not administered through a tube, a benefit for patients with diagnoses, including but not limited to, malabsorption and inborn errors of metabolism.

We appreciate your assistance on this matter. Please contact Ms. Pilar Williams, Chief of the Pharmacy Benefits Division, at (916) 552-9500 if you have any questions.

Sincerely,


For Toby Douglas
Director