



November 6, 2023

To: Tribal Chairpersons, Designees of Indian Health Programs, and Urban Indian Organizations

Subject: Notice of Proposed Change to the Medi-Cal Program

The purpose of this letter is to provide information regarding a proposed change to the Department of Health Care Services' (DHCS) Medi-Cal Program that will be submitted to the Centers for Medicare and Medicaid Services (CMS). DHCS is forwarding this information for your review and comment.

DHCS is required to seek advice from designees of Indian Health Programs and Urban Indian Organizations on Medi-Cal matters having a direct effect on Indians, Indian Health Programs or Urban Indian Organizations per the American Recovery and Reinvestment Act of 2009 (ARRA). DHCS must solicit the advice of designees prior to submission to CMS of any State Plan Amendment (SPA), waiver requests or modifications, or proposals for demonstration projects in the Medi-Cal program.

Please see the enclosed summary for a detailed description of this DHCS proposal.

QUESTIONS AND COMMENTS

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to PublicInput@dhcs.ca.gov or by mail to the address below:

Contact Information

Department of Health Care Services
Pharmacy Benefits Division
Attn: Lisa Ghotbi, Chief
P.O. Box 997413, MS 4604
Sacramento, California 95899-7417

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and Urban Indian Organizations

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In addition to this notice, DHCS plans to cover this SPA in the next quarterly Medi-Cal Indian Health webinar. Please note that Indian Health Programs and Urban Indian Organizations may request a consultation on this proposal at any time as needed.

Sincerely,

Original signed by

Andrea Zubiarte, Chief
Office of Tribal Affairs
Department of Health Care Services

Enclosure



**Department of Health Care Services (DHCS)
Tribal and Designees of Indian Health Programs Notice**

PURPOSE

To seek federal approval to expand the prescribing authority for coverage of enteral formulae, when supplied by a pharmacy provider, from “physician” to include “physician, nurse practitioner, clinical nurse specialist, or physician assistant within the scope of his or her practice.”

BACKGROUND

Medi-Cal covers enteral nutrition products in compliance with California’s Welfare and Institutions Code (WIC), Sections 14105.8¹ and 14132.86². Enteral formulae are currently covered under the DHCS State Plan “only when supplied by a pharmacy provider upon the prescription of a physician within the scope of his or her practice.” Based on prior authorization denials and stakeholder feedback, the Department seeks to expand the prescribing authority for enteral formulae to specified non-physicians within their scope of practice. This proposed change in permissions and language is consistent with the current coverage for medical supplies and durable medical equipment allowed under the State Plan.

SUMMARY OF PROPOSED CHANGES

DHCS is submitting State Plan Amendment (SPA) 23-0044 to the Centers for Medicare & Medicaid Services to expand the prescribing authority for enteral formulae from “physician” to include “physician, nurse practitioner, clinical nurse specialist, or physician assistant within the scope of his or her practice.”

IMPACT TO TRIBAL HEALTH PROGRAMS (THPS)

To the extent that THPs prescribe enteral formulae this SPA proposes to change the prescribing authority. Under this SPA, enteral formulae could now be prescribed by a physician, nurse practitioner, clinical nurse specialist, or physician assistant. This would streamline access and reduce prior authorization denials over prescriber type and help ensure Medi-Cal member’s access to covered outpatient drugs and payment to providers.

IMPACT TO FEDERALLY QUALIFIED HEALTH CENTERS (FQHCs)

To the extent that FQHCs prescribe enteral formulae this SPA proposes to change the prescribing authority. Under this SPA, enteral formulae could now be prescribed by a physician, nurse practitioner, clinical nurse specialist, or physician assistant. This would streamline access and reduce prior authorization denials over prescriber type and help ensure Medi-Cal member’s access to covered outpatient drugs and payment to providers.

IMPACT TO AMERICAN INDIAN MEDI-CAL MEMBERS

DHCS anticipates that by streamlining access and reducing unnecessary prior authorization denials Medi-Cal members utilizing enteral formulae will experience improved access.

¹ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=14105.8.&lawCode=WIC

² https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=14132.86.&lawCode=WIC

RESPONSE DATE

Indian Health Programs and Urban Indian Organizations may also submit written comments or questions concerning this proposal within 30 days from the receipt of notice. Comments may be sent by email to PublicInput@dhcs.ca.gov (please indicate SPA #23-0044 in the subject line or message) or mail to the address provided below.

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