

## **METHOD OF INDICATING CHANGES**

This Accessible PDF version of the proposed regulation text includes the phrase [begin underline] at the beginning of each addition, [end underline] at the end of each addition, [begin strikeout] at the beginning of each deletion, and [end strikeout] at the end of each deletion.

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TITLE 22. SOCIAL SECURITY  
DIVISION 3. HEALTH CARE SERVICES  
CHAPTER 3. HEALTH CARE SERVICES

**Article 2. Definitions**

1) Adopt section 51105.1 to read as follows:

[begin underline]§ **51105.1. Pharmacist Services.**

(a) "Pharmacist services" means any of the following services rendered by a pharmacist:

(1) Furnishing travel medications, as authorized in Business and Professions Code section 4052(a)(10)(A)(iii) and as described in California Code of Regulations, title 16, section 1746.5.

(2) Furnishing naloxone hydrochloride, as authorized in Business and Professions Code section 4052.01 and as described in California Code of Regulations, title 16, section 1746.3.

(3) Furnishing self-administered hormonal contraception, as authorized in Business and Professions Code section 4052.3(a) and as described in California Code of Regulations, title 16, section 1746.1.

(4) Initiating and administering immunizations, as authorized in Business and Professions Code section 4052.8 and as described in California Code of Regulations, title 16, section 1746.4.

(5) Providing tobacco cessation counseling and furnishing nicotine replacement therapy, as authorized in Business and Professions Code section 4052.9 and as described in California Code of Regulations, title 16, section 1746.2.

(6) Initiating and furnishing HIV preexposure prophylaxis, as authorized in Business and Professions Code section 4052.02 and as described in California Code of Regulations, title 16, section 1747, limited as described in Welfare and Institutions Code section 14132.968(b)(1)(F).

(7) Initiating and furnishing HIV postexposure prophylaxis, as authorized in Business and Professions Code section 4052.03 and as described in California Code of Regulations, title 16, section 1747.

(8) Providing medication therapy management in conjunction with dispensing specialty drugs as authorized in Welfare and Institutions Code section 14132.969.

(b) "Pharmacist services" do not include services associated with the professional dispensing fee, as defined in Welfare and Institutions Code section 14105.45.

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968 Welfare and Institutions Code. Reference: Sections 14132.968 and 14132.969, Welfare and Institutions Code.[end underline]

2) Adopt section 51105.2 to read as follows:

[begin underline]**§ 51105.2. Medication Therapy Management or MTM.**

“Medication Therapy Management” or “MTM” has the same meaning as defined in Welfare and Institutions Code section 14132.969(g)(1).

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Sections 14132.968 and 14132.969, Welfare and Institutions Code.[end underline]

3) Adopt section 51105.3 to read as follows:

[begin underline]**§ 51105.3 Specialty Drugs.**

“Specialty Drugs” has the same meaning as defined in Welfare and Institutions Code Section 14132.969(g)(2).

Note: Authority cited: Sections 10725, 14105, 14105.45, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Sections 14105.45, 14132.968 and 14132.969, Welfare and Institutions Code.[end underline]

**Article 3. Standards for Participation**

4) Amend section 51226 to read as follows:

**§ 51226. Pharmacy.**

[begin underline](a)[end underline] A pharmacy shall have a valid permit issued by the California Board of Pharmacy pursuant to Sections 4035 and 4035.1 of the Business and Professions Code or have a similar permit issued by the state in which it is located.

begin underline](b) To provide Medication Therapy Management(MTM), a pharmacy shall enter into a contract with the Department pursuant to Welfare and Institutions Code section 14132.969(c).[end underline]

Note: Authority cited: Sections 10725, 14105 and 14124.5, Welfare and Institutions Code. Reference: Sections 14059[begin underline],[end underline][begin strikethrough]and[end strikethrough] 14132[begin underline] and 14132.969[end underline], Welfare and Institutions Code.

5) Amend section 51227 to read as follows:

**§ 51227. Pharmacist.**

[begin underline](a)[end underline] A pharmacist shall hold a valid certificate issued by the California Board of Pharmacy pursuant to [begin underline]Business and Professions Code [end underline]section 4085[begin strikethrough]of the Business and Professions Code[end strikethrough], or hold a similar valid certificate issued by the [begin strikethrough]S[end strikethrough][begin underline]s[end underline]tate in which [begin strikethrough]he [end strikethrough][begin underline]the pharmacist[end underline]practices.

[begin underline](b) Prior to rendering pharmacist services, a pharmacist shall be enrolled as an ordering, referring, and prescribing provider under the Medi-Cal program pursuant to Welfare and Institutions Code section 14132.968(c).[end underline]

Note: Authority cited: Sections 10725, 14105[begin underline],[end underline][begin strikethrough]and[end strikethrough] 14124.5[begin underline] and 14132.968[end underline], Welfare and Institutions Code. Reference: Sections 14059[begin underline],[end underline][begin strikethrough]and[end strikethrough] 14132[begin underline] and 14132.969[end underline], Welfare and Institutions Code.

**Article 4. Scope and Duration of Benefits**

6) Adopt section 51313.7 to read as follows:

[begin underline]**§ 51313.7. Pharmacist Services.**

Pharmacist services, when rendered by pharmacists acting pursuant to applicable professional licensing statutes and regulations, are covered benefits, except as otherwise limited by these regulations.

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Section 14132.968, Welfare and Institutions Code.[end underline]

7) Adopt section 51313.8 to read as follows:

[begin underline]§ **51313.8. Medication Therapy Management.**

MTM shall be covered subject to the list of specialty drugs, criteria, protocols, and limitations as posted on the Department's Medi-Cal Providers website at <https://mcweb.apps.prd.cammis.medi-cal.ca.gov>.

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968 Welfare and Institutions Code. Reference: Section 14132.969, Welfare and Institutions Code.[end underline]

## Article 6. Eligibility for Payment

8) Adopt section 51476.3 to read as follows:

[begin underline]§ **51476.3. Pharmacist Services Records.**

(a) A pharmacist shall do all of the following:

(1) Document pharmacist services rendered to a beneficiary, at or near the time the services are rendered.

(2) Comply with records maintenance and availability requirements that apply to the pharmacist services rendered, as specified in section 51476, Welfare and Institutions Code section 14124.1, and the applicable professional licensing statutes and regulations, including, but not limited to, California Code of Regulations, title 16, sections 1746.1, 1746.2, 1746.3, 1746.4, 1746.5, and 1747.

(3) Retain written evidence of completion of any certification, training, or education required by applicable professional licensing statutes and regulations, including, but not limited to, California Code of Regulations, title 16, sections 1746.1, 1746.2, 1746.3, 1746.4, 1746.5, and 1747.

(b) A pharmacy where pharmacist services are rendered shall comply with records maintenance and availability requirements that apply to the pharmacist services rendered, as specified in sections 51476, Welfare and Institutions Code section 14124.1, and the applicable professional licensing statutes and regulations, including, but not limited to, California Code of Regulations, title 16, sections 1707.1, 1717, 1746.1, 1746.2, 1746.3, 1746.4, 1746.5, and 1747.

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Sections 14124.1, 14124.2 and 14132.968, Welfare and Institutions Code.[end underline]

9) Adopt section 51476.4 to read as follows:

§ 51476.4. Claim Submission Requirements for Pharmacist Services.

A claim for pharmacist services shall meet all of the following requirements, in addition to any other requirements imposed by law that apply to the claim:

(a) Be submitted by a pharmacy on a manual or electronic format approved by the Department pursuant to sections 51502 and 51502.1.

(b) Include the national provider identifier of the pharmacist who rendered the services.

(c) Not include a claim for a drug component. Drug component claims shall be submitted separately from claims for pharmacist services.

Note: Authority cited: Sections 10725, 14105, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Section 14132.968, Welfare and Institutions Code; and Section 162.406, Title 45, Code of Federal Regulations.[end underline]

**Article 7. Payment for Services and Supplies**

10) Adopt section 51505.4 to read as follows:

[begin underline]§ **51505.4. Pharmacist Services.**

(a)(1) Pharmacist services, except for MTM as specified in section 51105.1(a)(8), shall be reimbursed at 85% of the fee schedule for physician rates published on the Department's Medi-Cal Providers website at <https://mcweb.apps.prd.cammis.medi-cal.ca.gov> for the procedure codes that apply to the pharmacist services, subject to the payment reductions required by Welfare and Institutions Code section 14105.192.

(2) MTM shall be reimbursed at the rate established in the MTM pharmacist services contract between the pharmacy and the Department described in Welfare and Institutions Code section 14132.969(c). These rates are published on the Department's Medi-Cal Providers website at <https://mcweb.apps.prd.cammis.medi-cal.ca.gov> and subject to the payment reductions required by Welfare and Institutions Code section 14105.192.

(b)(1) Except for MTM, claims for pharmacist services rendered to an existing patient of the pharmacy location up to six (6) times in a 90-day period shall be eligible for payment without written substantiation.

(2)(A) Except for MTM, claims for pharmacist services rendered in excess of the limitation specified in subsection (b)(1) require written substantiation submitted by a pharmacy with the claim to be eligible for payment.

(B) The written substantiation shall indicate that the beneficiary's acute or chronic condition requires frequent visits in order to monitor their condition to decrease the risk of hospitalization.

(C) Claims for the administration of immunizations rendered pursuant to section 51105.1(a)(4) are not subject to the limitation specified in subsection (b)(1) nor the requirement for written substantiation specified in subsection (b)(2)(A).

(c)(1) Claims for MTM provided to a beneficiary up to six (6) times in a 365-day period shall be eligible for payment without written substantiation.

(2) Claims for MTM with a treatment duration that is less than six (6) months shall be limited to one claim per treatment month.

(3)(A) Claims for MTM provided in excess of the limitations specified in subsections (c)(1) and (2) require written substantiation submitted by a pharmacy with the claim to be eligible for payment.

(B) The written substantiation shall indicate that the beneficiary's acute or chronic condition requires frequent visits in order to monitor their condition to decrease the risk of hospitalization.

(d) For purposes of this section, an "existing patient of the pharmacy location" is a beneficiary who has received pharmacist services from the pharmacy location within the past three years.

Note: Authority cited: Sections 10725, 14105, 14105.05, 14124.5 and 14132.968, Welfare and Institutions Code. Reference: Sections 14105, 14105.05 and 14132.968, Welfare and Institutions Code.[end underline]