

Louisiana Independent Pharmacies Association

What's New and What to Watch

LIPA Newsletter:

Bringing you the latest news and information concerning independent pharmacies and the profession at-large....



Dates to Know:

April 25th – FTC Comment Period on PBMs Ends

June 6 — Legislative Session Adjourns No Later Than 6 PM

June 30—Medicaid Provider Re-enrollment Deadline (Pending CMS Approval)

July 7-9 — LPA Conference, Biloxi, MS

Members,

This is the same Newsletter that we sent to you yesterday evening. We are resending it so that you know you will receive something from us every Friday. From your LIPA team, Happy Easter!

The fifth week of the 2022 Regular Legislative Session continues to move on routinely, but with some incidents, like the surprising [resignation](#) of Democratic State Senator Karen Carter Peterson, a 22-year-veteran of the state legislature who cited a struggle with mental health and gambling addiction as her reason for her abrupt departure. Sen. Peterson's notice leaves an open uptown New Orleans Senate seat. This seat will remain vacant as the election will be held in the fall as election dates are already set for our congressional delegation on November 8th with a runoff date of December 10th.

Vaccines and gun rights were themes of the week, with the bulk of committee agendas having related legislation. [House Bill 424](#) by Rep. Turner passed favorably as amended through the House Health & Welfare Committee, but not without opposition. The bill, as amended allows pharmacist interns and certified techs to administer immunizations while under the supervision of a pharmacist and will enable pharmacists to administer other vaccines to people ages seven and above. The House and Senate Committees on Health and Welfare saw a combined 11 bills with similar language that targeted the ability to mandate vaccinations. Included was [HB 990](#) by Rep. Thomas Pressly, which prohibits state, political subdivisions, parishes, municipalities, and other local governmental subdivisions of the state from issuing or enforcing proof of COVID-19 vaccination requirements for entry into public or private entities. Another vaccine bill on the table is [HB 54](#) by Rep. Larry Bagley, which creates the crime of discrimination based on vaccination statutes. After being discussed on the House of Representatives floor, it was returned to the calendar and is set to be heard on Tuesday, April 19th. [Senate Bill 99](#), which requires that all PBMs be permitted by the

Board of Pharmacy, was passed favorably from Senate Health & Welfare Committee and is set to be heard on the Senate floor on Monday. The Senate unanimously passed Senate Bills 32 and 83 this week with no opposition. [SB 32](#), which recognizes the amount of time that on-site audits take away from the pharmacist to treat their patients, adds transparency to the process by requiring the PBM to report fraud or abuse to the department of insurance and requires the auditor to provide a list of prescription numbers to be audited, was referred to the House Insurance Committee. SB [83](#), which creates the Council on Medicaid Pharmacy Reimbursement within LDH, was referred to the House Health & Welfare Committee.

All eyes will be on the House Appropriations Committee Monday, April 18th as we will hear House Bill 1 by Representative Jerome Zeringue which carries the State Budget for the Fiscal Year 2022-2023, and HB 2 by Representative Stuart Bishop which provides for the Capital Outlay budget. Both bills continue to be two of the most important bills for this session and will be seeking committee approval before moving to the House Floor where there will surely be much debate. The House Appropriations Committee will begin at 9:00 with HB 1 and HB 2 set to be heard first.

AG Jeff Landry Files Suit Against OptumRx

While last week you saw the LIPA v. ExpressScripts update, this week, Attorney General Jeff Landry filed suit against OptumRx and UnitedHealthcare in the 19th Judicial District Court in Baton Rouge.

The medical loss ratio is at the heart of the case. Because of the "perverse incentive structure," United counts overpayments made to its wholly-owned PBM, OptumRx, as an "expense" to satisfy its statutorily required medical loss ratio. The more these "expenses" are inflated, the greater the illicit profits for Optum and United.

This scheme exploits the secrecy of the drug supply chain and related costs, including rebates, reimbursements, and other payments, Louisiana Medicaid and Louisiana citizens needlessly pay inflated drug prices. In a statement, Randal Johnson, President of LIPA, said, "PBMs reap these unconscionable profits on the backs of Louisiana patients and taxpayers as a benefit of being an unregulated monopoly."

LIPA will provide additional information as it becomes available.

Louisiana Medicaid Will Pay for COVID Vaccine Administration for Most Uninsured

While the federal program that paid for vaccine administration for the uninsured no longer accepts claims, Louisiana Medicaid has a [COVID-19 program](#) that will pay for vaccine administration (as well as testing, treatment and other services) if the primary diagnosis is COVID. The only people who are not eligible are those who are either undocumented, incarcerated or have other health insurance. There is no income or resource test.

People approved for this program will not receive a Medicaid ID card. Instead, the approval letter they receive is their proof of eligibility and contains the information you need for billing. Providers have the option of putting their address on the application form, and if they do so, they will receive a copy of the letter as well.

Eligibility is very easy to establish, beginning with the completion of a [simplified application](#), including the three months before the application month, and is good until the public health emergency ends.

You can find all the information you will need to help patients enroll and submit claims in the [program guide](#).

Public Health Emergency Has Been Extended by HHS Through July 15th

On Wednesday, HHS announced the extension of the public health emergency for an additional ninety days (July 15). The state will continue to receive enhanced FMAP for its Medicaid Program through September 30 [Congress approved the enhanced FMAP through the last day of the quarter in which the public health emergency ends.] Guaranteed Medicaid eligibility for current enrollees will continue through at least July 31 (the month in which the public health emergency ends). The PREP Act authority for pharmacists and pharmacy technicians to administer COVID vaccines and vaccines to children as young as three years old is in effect only for the duration of the public health emergency.

Whether the public health emergency is extended beyond July 15 is very much dependent on what happens during the next couple of months. We are seeing increases of COVID in some areas of the country, and on Thursday, nola.com [reported](#) on a “700% increase” in COVID in wastewater in New Orleans over the last two weeks.

Could Louisiana Face Yet Another COVID Surge???

NOLA.com's lead story on Thursday morning carried the headline "[Coronavirus levels rising in New Orleans wastewater. Experts say it is "definitely concerning."](#) This story leaped out at us—and that has implications for COVID vaccine providers: "Residents infected during the omicron surge likely still have some protection," Susan Hassig, an epidemiologist at Tulane, pointed out. "But that diminishes after about three months [emphasis added], and nearly half of Louisiana remains unvaccinated." She went on to say that vaccines are currently providing a buffer that is "going to start really disappearing quickly as we get into May."

Some of the other reasons that city and state health officials "have their antennae up" in addition to its increased presence in New Orleans area wastewater:

- An uptick in new COVID-19 cases in northeast states with a rise in hospitalizations
- BA 2 subvariant of omicron is 50 to 60% more infectious than original omicron. As of April 2nd, it makes up 42% of Louisiana cases.
- Less available testing as federal funds run out.
- Easter weekend and festivals coupled with relaxation of masks and other measures to limit the spread.

Important Information for Pharmacies with Paxlovid and/or Evusheld in Inventory

While we certainly hope the last COVID surge is behind us, we know from experience that COVID surges can happen quickly—recall what happened at the beginning of July of last year. We could see demand for Paxlovid and Evusheld that some of our member pharmacies still have in inventory.

We checked in with Leah Michael, OPH Pharmacy Services Director, who asked that we share the following with our pharmacies that have Paxlovid and/or Evusheld in inventory:

There has been an exp date extension for Paxlovid to 10/31/22 or 11/30/22, depending on the Lot. Lot # FR9088's expiration date is 11/30/22, while Lot #'s FL 4517, FL 4517 and FR 7229 expiration dates are now 10/31/22. HHS has asked that sites keep the medication on hand in anticipation of potential outbreaks. Evusheld will likely have an expiration date extension as well.

LDH requests that pharmacies with either Paxlovid or Evusheld in stock report on their inventory at least weekly in the online portal. Otherwise, they will not appear in the federal locator tool.

DDL Thermometers for Compliance with Immunization Program Requirements

One of our members reached out, questioning whether the DDL (Digital Data Logger) Thermometer he purchased in 2021 for monitoring COVID vaccine temperature met the new LDH requirement since it is

not marketed on Amazon as “VCF approved.” Following some quick research here is the response we provided:

Elitec manufactures a wide range of thermometers for monitoring temperature at different price points. The key question is not whether it is marketed as “VFC certified,” but is it a Digital Data Log (DDL) thermometer with a current and valid certificate of calibration? [THE CERTIFICATE ****MUST**** INCLUDE Model #, Serial #, Date of Calibration testing, and Measurement results indicating that the unit passed testing.] The [2022 Louisiana DDL Thermometer Guide](#) from LDH also says it must:

- have a temperature probe;
- Active temperature display that can be read from outside of vaccine storage unit;
- and Capacity for continuous monitoring and recording capabilities where the data can be routinely downloaded. (I believe your model meets these criteria?)

LDH has some additional recommendations that are not actual requirements in their thermometer guide Regarding the \$49.99 Elitec model on Amazon. Does your Certificate of Calibration have the Date of Testing (Calibration Date) as well as Expiration Date?

LDH says they make no recommendations on actual brands. A number of DDL thermometers on Amazon at different price points would meet the requirements.

Note that LDH requires that COVID vaccine providers have a **backup** DDL thermometer as well:

*CDC and the Louisiana VFC Program **require [emphasis added]** having at least one calibrated back-up DDL thermometer (i.e., a DDL thermometer not being used to monitor any other vaccine storage unit) with a current, valid certificate of calibration in case the primary, in-use DDL breaks, malfunctions, or needs to be sent to the laboratory for calibration. A back-up DDL thermometer should have the same features as the primary device (for example, a detachable probe in a buffered material such as glycol). In addition, the CDC and the Louisiana VFC Program recommend that the back-up DDL have a different calibration schedule from that of the primary device so that the back-up is available when the primary DDL is sent for calibration.*

Louisiana Medicaid Single PBM Proposers

In response to an inquiry from LIPA, LDH Legal advised that three proposals were received in response to the RFP for a single state PBM for Louisiana’s Medicaid Managed Care program. Those respondents are We received proposals from the following:

- CVS Health
- Med Impact Healthcare Systems
- Magellan Medicaid Administration

CVS Health is currently the PBM for three of the Medicaid MCOs that have combined membership of over one million Medicaid members (Aetna 152K, Healthy Blue-359K, Louisiana Healthcare Connections 543 K) as of a [March 2022 Medicaid MCO Enrollment Report](#).

Med Impact was the PBM for OGB until January 2022 and has been the single Medicaid PBM for Kentucky Medicaid since July 2021. Magellan became the single PBM for Medi-Cal (California’s Medicaid Program) on January 1, 2022.

Certified Immunizer Pharmacists Must Re-enroll in Louisiana Medicaid Under Their NPI

The Medicaid provider re-enrollment requirement applies to pharmacies and pharmacists who are enrolled. Certified immunizers are also considered prescribers and must also re-enroll under their individual NPI. One issue we are hearing is that immunizing pharmacists who may have previously worked for another pharmacy when they were initially enrolled as a Medicaid provider and old pharmacy addresses (at which they no longer work) are shown on LDH/Gainwell’s provider file. Therefore, they never received the “invitation” from LDH to re-enroll through the Medicaid Provider Portal. **Provider address changes must be submitted to Gainwell using [File Update Form 3](#).**

In discussions with the Medicaid Pharmacy Program, they provided the following tips for completing and submitting this form:

- Only show information that has **changed** when completing this form. Do not complete in entirety.
- The pharmacist can mail the completed form to Gainwell at the address in the bottom left corner of the form.
- Because of the COVID waivers in place, Gainwell can **temporarily** accept copies of signatures rather than original signatures so if the pharmacist prefers, the form can be **faxed** to Gainwell Provider Enrollment unit at 225-216-6392.
- For questions when completing the form, the pharmacist can contact the Gainwell Provider Enrollment call center at (833) 641-2140, Monday – Friday between the hours of 8 a.m. and 5 p.m. CST or send an email to LouisianaProvEnroll@gainwelltechnologies.com.

The Department advised they have hundreds of pharmacy re-enrollments that are still waiting for final review by Gainwell. Please see [Information Bulletin 22-4](#) for more information about Louisiana Medicaid Provider Enrollment, including the latest information on CMS deadlines. There are additional provider resources on [LDH's website](#). Providers can also email LouisianaProvEnroll@gainwelltechnologies.com or call 1-833-641-2140 with questions.

Do you have questions about your Medicaid Provider Re-enrollment Status? LIPA can confirm pharmacies that are listed as pending as of mid-March. You can check your status by e-mailing kennedy@lipa.org or texting Ruth at 225-241-1437.

Comments to LDI Regarding PBM/PSAO Regulation 122

Several weeks ago, the Louisiana Department of Insurance (LDI) sent out a notice of intent to promulgate Regulation 122 – Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services.

This notice was required by law following the final passage of HB 244 Act 192 in the 2021 legislative session. LIPA supported the bill in its' original version and expressed our concerns when provisions were added that we believed would jeopardize LDI's ability to regulate effectively and address the issues the legislation intended to solve. This Act relieved the PSAO of acts defined as "solely within the purview" of the PBM and vice-versa. Conversely, we would not want to see the PBM avoid responsibility by alleging items or actions that were solely the responsibility of the PSAO. Essentially – we believe that there are more of the listed actions "solely" under the purview of the PSAO. We discussed the regulation with a number of members, who shared their own concerns, and submitted official comments to LDI last week.

[Reg. 122 Comments.pdf](#)

LIPA Relief Pharmacist and Technician Signup Form

LIPA's Pharmacist Toolkit, which can be found on our [website](#), includes a relief pharmacy and technician spreadsheet that we are looking to populate with licensed pharmacists and certified pharmacy technicians interested in acting as relief pharmacists or as-needed staff. However, the list will only be accessible to LIPA members through the 'Member Library' section on the website. I've attached a link to the form below so that members can forward it to any contacts that may be interested in signing up. Again, our goal is to provide LIPA members with a roster of active relief pharmacists and technicians to use whenever they need them. The form will automatically populate the list on the site as soon as it is submitted. If you have any questions or information that you think we should add to the form, please email cross@lipa.org. There is also a template email linked below for you to forward as you please.

[Email Template.pdf](#)



2022 Nominations Up for the Board of Pharmacy

The nominating period will close, and ballots will need to be at the Board of Pharmacy office by 4pm on April 19th. Do not forget those nomination forms were sent to you.

There are five members of the Louisiana Board of Pharmacy whose seats will be up for appointment this year. Interested and knowledgeable pharmacists need representation on the board to shed light on the issues they face. If you are interested in serving on the board, we have listed the districts and their corresponding parishes that will be up for election this year. You can also visit the LA Board of Pharmacy [website](#) for more information. For those who may be interested in serving in these or other capacities, we encourage you to look at openings in the state legislature, local offices, and even the U.S. Congress. We need public officials who will be a trusted voice for pharmacists across the state.

FTC Continues to Accept Comments on PBM Business Practices

You can view the Call for Comments that gives more detail on what the FTCs wants to hear from the public about [here](#). NCPA has created a [list](#) of some of the issues that independent pharmacies face. Note that it is not necessary to prepare and upload a letter to the FTC. In fact, we recommend that form letters **not** be sent, even if you do some personalization. You can just type (or cut/paste) comments directly into the [FTC Comments form](#). **The comment period ends in 10 days.**

OptumRx Resuming In-Pharmacy On-Site Audits

OptumRx recently advised that they would be resuming on-site pharmacy audits beginning in the second quarter of 2022. Since audits are time-consuming, and often cause unnecessary stress for pharmacists, we want to remind everyone that there are sources out there for assistance. There are hard-working groups, such as the Pharmacy Audit Assistance Service (PAAS), that help fight for fair audit treatment by helping community pharmacists move away from trouble and toward compliance with rules and regulations.

LIPA's legal team is also familiar with Louisiana audit laws, and **we are willing to partner with you to aid in any way that we can**. Legislation that was passed unanimously out of Senate Health & Welfare on Wednesday would clarify the audit process in response to changing practices through the COVID-19 pandemic. [SB 32](#) by Senator Fred Mills recognizes the amount of time these audits take away from the pharmacist being behind the counter. It is important to note that this bill does **not** prevent, limit, or impact fraud, waste, and abuse audits (FWA). Instead, it offers transparency to the process by requiring the PBM to notify the Department of Insurance when it is suspected. **Let us know if you receive advance notice of an audit and we will be happy to assist you or answer any questions you may have.**

NADAC Price File Watch –Publication Date 4.13.22

This week's NADAC Price Comparison Data shows price increases on 14 drugs but only 7 different drugs. 1 generic and 6 brand-name drugs. The generic drug increased in price by \$0.19636 while the brand names increased ranging from \$0.52182 - \$22.73811.

The generic drug rate change was the result of a help desk inquiry and is retroactive to April 13th, 2022. The seven brand drugs rate changes were WAC Adjustments (changes in WAC published prices) three of them are retroactive to April 1st, 2022, and the other three are retroactive to April 4th, 2022.

[Weekly NADAC Report](#)
[4.13.22 NADAC by Percent Change](#)
[4.13.22 NADAC by Price Change](#)

NADAC represents the national average price paid by chain and independent pharmacies to acquire prescription-covered outpatient drugs, as determined by a monthly survey conducted by Myers & Stauffer for CMS. While the nature of an average is that some are reimbursed above cost, and some are reimbursed below cost, our concern with Myers & Stauffer's NADAC price is that we are seeing increasing gaps between NADAC prices and the actual cost our pharmacies must

pay. Filing appeals to Myers and Stauffer can bring to their attention—and the attention of other stakeholders—the discrepancy between the actual acquisition cost for Louisiana independent pharmacies and the national average.

Our LIPA staff will file NADAC appeals to Myers & Stauffer on your behalf. To do so, we need BOTH the invoice for each drug and a spreadsheet of the drugs, containing information included on the Medicaid reimbursement form found [here](#). (*Excluding the “additional information” section*) We will fill these forms out for you, we just need the information in some sort of spreadsheet or another readable format.

We have again attached instructions for Pioneer users to create a report to run weekly. Please send all NADAC drug pricing spreadsheets and invoice emails to appeals@lipa.org. Once we have received both the invoice and drug information spreadsheet, we will submit appeals as quickly as possible.

[Pioneer System Instructions](#)

We are still working to develop report criteria for other software systems to help pull the report needed for LIPA to file your NADAC appeals. If you are a pharmacist who uses a system other than Pioneer and would be willing to work with us to develop the report spreadsheet, please email appeals@lipa.org with your name, your pharmacy’s name, and which system you use.

Have You Joined LIPA’s Chat Groups for Members?

LIPA hosts two different Chat Groups on the *GroupMe* smartphone application platform that we encourage members to join and participate in either or both. These chat groups were created to serve as a communication tool to facilitate rapid responses to your questions and for sharing with your peers. The two Chat Groups are:

1. **Pharmacy Business Practices** This is the newer of the two groups and the focus is the general business of independent pharmacy.
1. **LIPA COVID Vaccines/Therapeutics** The primary focus of this group is all things COVID-related including COVID vaccines, therapeutics, testing, and masks.

To join either group, simply send an e-mail to Danielle Hodge (hodge@lipa.org) with the name, pharmacy name, and cell # of the person to be added. The *GroupMe* application can be downloaded from the Application Store.

