



Department of Health

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New Legislation to be Enacted Regarding Emergency 5 Day Supply of Drugs used to Treat Substance Use Disorders in Medicaid Fee-for-Service (FFS) & Medicaid Managed Care

As a result of changes to Insurance Law section 3216 paragraph 31-a, **effective January 1, 2017, insurance carriers will be required to provide at least 5 days' coverage for emergencies, without prior authorization, for medications used to treat substance use disorders.** This includes medication associated with the management of opioid withdrawal and/or stabilization as well as medication used for opioid overdose reversal. Additionally, no policy shall impose an additional copayment or coinsurance on an insured who received an emergency supply of medication and then received up to a thirty day supply of the same medication in the same thirty day period in which the emergency supply of medication was dispensed.

Medicaid Fee-for-Service (FFS)

A pharmacist can initiate an emergency 5 day supply of a non-preferred medication for the treatment of a substance use disorder by calling the clinical call center at 1-877-309-9493. The clinical call center is available 24 hours per day, 7 days per week.

To obtain FFS preferred medication listings and criteria see also the following website: Medicaid FFS Preferred Drug List and Pharmacy Prior Authorization Programs-
<https://newyork.fhsc.com/>

If a prescriber initiates a subsequent prescription for the same medication for the treatment of a substance use disorder within 30 days of the initial 5-day emergency supply, and the pharmacist is notified and/or confirms this upon reviewing the patient's prescription history or utilizing ProDUR editing, the following may be used to exempt the copayment for the subsequent prescription:

- In NCPDP field 461-EU, enter a value "04" (Exempt Copay and/or Coinsurance)
- Please refer to the NCPDP Companion Guide at: https://www.emedny.org/HIPAA/5010/transactions/NCPDP_D.0_Companion_Guide.pdf and the ProDUR Manual at: [https://www.emedny.org/ProviderManuals/Pharmacy/ProDUR-D.0-ECCA_Provider_Manual/Pro%20DUR%20ECCA%20Provider%20Manual%20\(D.0\).pdf](https://www.emedny.org/ProviderManuals/Pharmacy/ProDUR-D.0-ECCA_Provider_Manual/Pro%20DUR%20ECCA%20Provider%20Manual%20(D.0).pdf)

This process will be utilized until such a time the Department is able to systematically address the exemptions of copayment(s) on eligible subsequent prescription(s) within the 30 day period.

Medicaid Managed Care

Managed Care plans will develop and communicate their own processes/procedures to comply with this law.