NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Bob M. Dent, Staff Officer
Robert E. Lee Building
239 N. Lamar Street
Suite 801
Jackson, MS 39201-1399
(601) 359-6120
http://www.dom.state.ms.us

Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the Proposed Rule :
Provider Policy Manual Update Section 53.13.

Date Rule Proposed:

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
AP 2006-44. This Provider Policy Manual Updates Section 53.13 regarding General Medical Policy - Tobacco Cessation.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule:

Executive Director
Signature and Title of Person Submitting Rule for Filing

Tobacco Cessation Medications

The following types of tobacco cessation medications will be covered as authorized by the Executive Director and listed in the Pharmacy Formulary:

- ~~Nicotine gum~~
- ~~Nicotine patches~~
- Over the counter nicotine products
- ~~Nicotine nasal spray~~
- ~~Nicotine oral inhaler~~
- ~~Zyban®~~
- Legend or prescription nicotine replacement products

A physician's prescription will be required for all prescription and non-prescription tobacco cessation medications. Each prescription will count toward the five (5) prescription per month limit.

The Division of Medicaid ~~is authorizing~~ authorizes benefits for tobacco cessation medications for the purpose of supporting beneficiaries who are trying to quit tobacco use with the temporary assistance of nicotine replacement therapy. ~~and/or Zyban®.~~ It is expected that utilization of these products will be in accordance with medical standards of practice, FDA guidelines, and manufacturers' recommendations which generally limit product use to approximately 12 weeks. ~~The Pharmacy Division~~ DOM will monitor the beneficiary's utilization of tobacco cessation products for overutilization or misuse, and in instances where there are patterns suggesting overutilization or misuse, the prescribing physician(s) will be contacted for justification of medical necessity.

Tobacco Cessation Counseling

To maximize the effectiveness of tobacco cessation medications, the ~~Division of Medicaid will encourage beneficiaries to receive tobacco cessation counseling as follows:~~ Mississippi Tobacco Quitline offers free telephone counseling through a statewide toll-free telephone number (1-877-4US2ACT).

- ~~Physician counseling – The requirement of a physician's prescription for both prescription and non-prescription tobacco cessation medications is intended to provide an opportunity for the beneficiary to receive tobacco cessation counseling from a physician, which research has shown increases tobacco quit rates more effectively than medication alone.~~

- ~~Telephone counseling – The Division of Medicaid will encourage beneficiaries to seek free tobacco cessation counseling through The Mississippi Tobacco Quitline, a statewide toll-free telephone number (1-877-4US2ACT). An information brochure about the Quitline will be mailed by DOM to all beneficiaries who receive tobacco cessation medications that are billed to DOM.~~

  ~~The Division of Medicaid will also distribute information about the Mississippi Tobacco Quitline to Medicaid beneficiaries and providers through numerous venues, including, but not limited to:~~

  - ~~Women in the Perinatal High Risk Management (PHRM) program;~~
  - ~~Non-emergency transportation providers;~~
  - ~~Medicaid beneficiary workshops;~~

- ~~Client field representatives;~~
- ~~Head Start orientation sessions;~~

- ~~Mail-outs with new beneficiary booklets;~~
- ~~Hand-outs at health fairs;~~
- ~~Provider bulletin articles;~~
- ~~Remittance advice banner messages to providers;~~
- ~~Community Mental Health Centers.~~

~~Pregnant Women and Women of Childbearing Age who are Eligible for Medicaid~~

~~Use of tobacco cessation medications in pregnant or lactating women will be the decision of the beneficiary and her physician.~~

~~Pregnant women and women of childbearing age will be targeted for case management related to tobacco cessation through the Early and Periodic Screening and Diagnostic Treatment (EPSDT) and the Perinatal High Risk Management (PHRM) programs. PHRM and EPSDT case management for pregnant or childbearing-age beneficiaries who smoke will follow the American College of Obstetricians and Gynecologists guidelines as follows:~~

- ~~Ask about and document smoking status of all patients;~~
- ~~Assess the patient's attitude toward smoking and quitting;~~
- ~~Advise cessation clearly and unequivocally;~~
- ~~Assist with a cessation plan that includes self-help materials and pharmacologic support if appropriate;~~
- ~~Arrange follow-up to support choice of cessation, or resume intervention if the patient is still using tobacco.~~

~~Pregnant women who use tobacco and choose to participate in the PHRM program will receive intensive case management, including, but not limited to:~~

- ~~Routine questioning about use of tobacco at each interaction;~~
- ~~Documentation of tobacco use status in the beneficiary's record;~~
- ~~Development of a care plan to assist the woman in tobacco cessation;~~
- ~~Referral to the Mississippi Tobacco Quitline or physician for tobacco cessation counseling;~~
- ~~Provision of appropriate materials for tobacco cessation in pregnant women;~~
- ~~Regular follow-up to determine if further interventions need to be recommended.~~

~~Pregnant women who use tobacco and choose not to participate in PHRM will be counseled by the PHRM provider about tobacco cessation as follows:~~

- ~~Routine questioning about use of tobacco at each interaction;~~
- ~~Referral to the Mississippi Tobacco Quitline or physician for tobacco cessation counseling;~~
- ~~Provision of appropriate materials for tobacco cessation in pregnant women.~~

~~Evaluation~~

~~The Division of Medicaid will collect and analyze data to determine if beneficiaries are aware of the tobacco cessation benefit and have access to tobacco cessation medications and counseling services and to evaluate utilization patterns and provider interventions. The Division of Medicaid will work with other organizations and agencies to develop additional means of improving beneficiary access to tobacco cessation services as necessary.~~