

LEGAL NOTICE

STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Over-the-Counter COVID-19 Test Kits

TAKE NOTICE that the Department of Human Services, Division of Medical Assistance and Health Services (DMAHS) intends to seek approval from the United States Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS), for an amendment to the New Jersey Medicaid (Title XIX) State Plan and Alternative Benefit Plan (ABP) if necessary in order to cover Over-the-Counter (OTC) At-Home COVID-19 Test Kits dispensed at the pharmacy as a Preventive Services benefit pursuant to 42 C.F.R. Section 440.130(c). Pursuant to CMS approval, the OTC COVID-19 Test Kits must be recommended and prescribed by a physician or other licensed practitioner of the healing arts within his or her scope of practice under state law to prevent disease, disability, and other health conditions or their progression; prolong life; and promote physical and mental health and efficiency of the beneficiary.

The anticipated costs for the proposed amendments by SFY26 and SFY27 are expected to be budget neutral.

OTC Covid-19 Tests Kits dispensed at the pharmacy will be reimbursed using the same methodology as other pharmaceuticals dispensed under the pharmacy benefit.

The ABP was established in accordance with the Patient Protection and Affordable Care Act (ACA) when New Jersey expanded Medicaid effective January 1, 2014 to parents and caretaker relatives and childless adults with income up to and including 133% of the federal poverty level. The ACA requires the establishment of an Alternative Benefit package for the Medicaid Expansion populations. The ABP must cover 10 Essential Health Benefits as described in section 1302(b) of the ACA and the State assures that there will be full access to EPSDT services for people under 21 years of age. A list of services can be found on the DHS website at the site listed below.

This Notice is intended to satisfy the requirements of Federal law and regulations, specifically 42 C.F.R. 440.386, 42 CFR 447.205, and 42 U.S.C. 1396a(a)(13). A copy of this Notice is available for public review at the Medical Assistance Customer Centers, County Welfare Agencies, and the Department's website at:

<http://www.state.nj.us/humanservices/providers/grants/public/index.html>.

Comments or inquiries must be submitted in writing within 30 days of the date of

this notice to: Division of Medical Assistance and Health Services

Office of Legal and Regulatory Affairs Attention: Margaret Rose

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