

June 28, 2024

LEGAL NOTICE

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

**Supplemental Payment for Pharmacies Furnishing Self-administered
Hormonal Contraceptives**

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 any necessary amendments to the New Jersey Medicaid (Title XIX) State Plan to reimburse pharmacies a supplemental payment for providing education and consultation related to self-administered hormonal contraceptives furnished pursuant to a standing order. The supplemental payment will be added to pharmacy claims for these products when the claim indicates the required education and consultation have been provided. Limitations will be in place to restrict the number of supplemental payments a pharmacy can receive per member if the contraceptive formulation and method has not changed. Licensed pharmacists may provide education and consultation services and furnish prescriptions for contraceptives as authorized under State law.

To increase access to contraceptives, members can now obtain them at the pharmacy counter without an individual prescription. Pharmacists are being notified of additional reimbursement available to furnish self-administered hormonal contraceptives to members without an individual prescription. This policy is in response to the NJ Department of Health Standing Order and the procedures and protocols jointly adopted by the NJ Board of Pharmacy (BOP) and the State Board of Medical Examiners (BME).

Self-administered hormonal contraceptives include oral contraceptive pills, hormonal contraceptive vaginal rings, hormonal contraceptive transdermal patches, and self-administered injectable hormonal contraceptives. According to

the procedures adopted by the NJ BOP and the State BME, pharmacists must provide education and consultation at the initial dispensation and at three (3) months after providing a self-administered hormonal contraceptive to ensure safe use. Annual education and consultation are required thereafter, provided there is no change in the contraceptive formulation or method. As a condition of furnishing self-administered hormonal contraceptives to members, pharmacists must complete a training program compliant with N.J.A.C. 13:39-14.7. NJ FamilyCare will reimburse an additional incentive payment of \$20.60 for providing education and consultation related to self-administered hormonal contraceptives when the claim indicates the required education and consultation have been provided. Pharmacies will continue to receive the FamilyCare professional fee for dispensing these products. These changes do not apply to the Pharmaceutical Assistance to the Aged and Disabled, the Senior Gold Prescription Discount, and the AIDS Drug Distribution Programs.

DMAHS estimates the increased expenditures associated with this amendment for State Fiscal Year (SFY) 2025 will be \$10,300 in total funds (\$1,300 State funds) and increased yearly expenditures for SFY 2026 will be \$20,600 in total funds (\$2,300 in State funds). The fee schedule will be published on the Department's fiscal agent's website at <https://www.njmmis.com> under "rate and code information" when available.

This Notice is intended to satisfy the requirements of Federal law and regulations, specifically 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 & Regulatory Affairs

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