

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

**7 AAC 120 & 160. Prescription Drug
Benefits and Prior Authorization.**



PUBLIC REVIEW DRAFT

June 25, 2014

COMMENT PERIOD ENDS: July 31, 2014

**Please see public notice for details about how to
comment on these proposed changes.**

Notes to reader:

- 1. Except as discussed in note 2, proposed new text that amends an existing regulation is **bolded and underlined**.
- 2. If the lead-in line states that a new section, subsection, paragraph, subparagraph, or clause is being added, or that an existing section, subsection, etc. is being repealed and readopted (replaced), the new (or replaced) text is not bolded or underlined.
- 3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is proposed to be deleted.
- 4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”

Title 7. Health and Social Services.

7 AAC 120.130(f) is repealed and readopted to read:

(f) A provider enrolled under 7 AAC 120.100 shall provide the recipient or recipient’s agent with a copy of the pamphlet titled *Information About Your Prescription Drug Benefits and Prior Authorization*, adopted by reference in 7 AAC 160.900, when a prescription claim is unable to process through the pharmacy claims processing system because a prior authorization has not been requested, or obtained, by the prescribing provider.

7 AAC 120.130 is amended by adding new subsections to read:

(g) A provider enrolled under 7 AAC 120.100 is not required to provide the recipient or recipient’s agent with a copy of the pamphlet if the claims processing issue is resolved the same calendar day the claim was initially unable to process through the claims processing system because a prior authorization had not been requested, or obtained, by the prescribing provider.

(h) If a recipient has multiple pharmacy claims that are unable to process through the claims processing system on the same date of service, the pharmacy provider is only required to supply the recipient or recipient’s agent with one copy of the *Information About Your Prescription Drug Benefits and Prior Authorization* pamphlet.

(i) In this section, "medically accepted indication" has the meaning given in 42 U.S.C. 1396r-8(k)(6), adopted by reference in 7 AAC 160.900.

(Eff. 2/1/2010, Register 193; am 2/9/2011, Register 197; am ____/____/2014, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040
AS 47.05.012

Register _____, _____ 2014 HEALTH AND SOCIAL SERVICES

7 AAC 160.900(d) is amended by adding a new paragraph to read:

(52) *Information About Your Prescription Drug Benefits and Prior Authorization* pamphlet, dated May, 2014.

(Eff. 2/1/2010, Register 193; am 8/25/2010, Register 195; am 12/1/2010, Register 196; am 1/1/2011, Register 196; am 1/15/2011, Register 197; am 2/9/2011, Register 197; am 3/1/2011, Register 197; am 10/1/2011, Register 199; am 12/1/2011, Register 200; am 1/26/2012, Register 201; am 3/8/2012, Register 201; am 4/1/2012, Register 201; add'l am 4/1/2012, Register 201; am 5/11/2012, Register 202; am 10/16/2012, Register 204; am 11/3/2012, Register 204; am 12/1/2012, Register 204; am 12/2/2012, Register 204; am 1/1/2013, Register 204; am 1/16/2013, Register 205; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 11/3/2013, Register 208; am 1/1/2014, Register 208; am 2/2/2014, Register 209; am 3/19/2014, Register 209; am 3/22/2014, Register 209; 5/22/2014, Register 210; am ____/____/2014, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040
 AS 47.05.012

The editor's note following 7 AAC 160.900 is changed by adding a new paragraph to read:

The department's *Information About Your Prescription Drug Benefits and Prior Authorization*, adopted by reference in 7 AAC 160.900, may be obtained from the Department of Health and Social Services, Division of Health Care Services, 4501 Business Park Boulevard, Suite 24, Anchorage, AK 99503-7167, or may be obtained at the department's Internet site at <http://dhss.alaska.gov/dhcs/Pages/pharmacy/medpriorauthoriz.aspx>.