



WOMEN & CHILDREN'S HOSPITAL OF BUFFALO

A Kaleida Health Facility

MEMORANDUM

To: All Residents in All Departments Writing Rx's for Patients with NYS Medicaid
From: Inpatient Pharmacy & Family Pharmaceutical Services, WCHOB

Chapter 442 of the Medicaid Laws of 2006 established the New York State Office of the Medicaid Inspector General (OMIG), as well as created a new Social Services Law §363-d, which requires that Medicaid providers develop and implement compliance programs aimed at detecting fraud, waste, and abuse in the Medicaid program. As of January 1st 2008, OMIG is authorized to define the coverage of applicability of this new law to Medicaid providers generally, as it sees fit.

The Department of Health Medicaid Update in January 2008 (Vol. 24, No.1) included a section entitled "Requirements and Responsibilities in the Medicaid Program," outlining OMIG's new policy regarding which practitioners may and may not prescribe for Medicaid patients. It states that a pharmacy claim for Medicaid coverage of a prescription must identify "the physician, dentist, or other practitioner who **actually provided the service**" by entering his/her Medicaid identification number in the "Provider Identification Number" field of the claim form. **In practice, this law restricts the ability of any outpatient pharmacy to bill any prescription to Medicaid that has not been written by a physician with a unique state-issued license number.** Previously when a resident or intern wrote a prescription, the pharmacy could enter the state license number of the *facility* under whose authority that practitioner was prescribing. However, effective January 2008, **Medicaid will no longer pay for prescriptions written by physicians under a facility's NYS license number.**

What does this mean for a resident or intern's ability to prescribe for Medicaid patients?

- **The prescriber who writes the prescription must have his/her own NYS license # or MMIS #**
 - Prescribers are not *required* to stamp their license # on the blank, but providing a 6-digit NYS license # will make these prescriptions easier for patients to fill.
- **A prescription that is signed only by a resident or intern who does not have his/her own NYS license # or MMIS# will not be covered at any outpatient pharmacy, including outpatient pharmacies contained within a hospital or facility**
 - Such prescriptions will only be covered provided that an attending physician with his/her own NYS license # or MMIS# counter-stamps AND counter-signs the blank
- **A prescription may still be written on a hospital-issued prescription blank, provided it is stamped with the name of the prescriber who signs the prescription**
- **Residents and interns under the prescribing authority of an attending physician with his/her own NYS license # or MMIS # may provide prescriptions to pharmacies utilizing a verbal order, as long as they also provide the name of the attending physician at the time of the order.**
 - **Note: Controlled substance laws regarding verbal orders still apply (i.e., maximum of 5 day supply for many drugs, follow-up signed/stamped order necessary if prescribing a C-II or benzodiazepine, etc.)**
 - Again, providing a state license # at the time of the verbal order is not required, but will make these prescriptions much easier for patients to obtain.

Disclaimer: This memo is being provided for convenience only due to the fact that OMIG did not make this new interpretation of the law generally well-known to prescribers or pharmacies. Please note that OMIG may change their interpretation of Medicaid law at any time. Following the above guidelines will ensure that all patients are able to obtain their prescriptions through active NYS Medicaid coverage at any outpatient pharmacy using OMIG's interpretation of NYS Medicaid law as of 2/29/08. Additional information is available at <http://www.emedny.org> or by calling the NYS Medicaid Billing Information Helpline at 1-800-343-9000.