

NOTICE OF AGENCY ACTION

SUBJECT: Coverage For Non-Covered Outpatient Drugs During Drug Shortages

AGENCY: Massachusetts Executive Office of Health and Human Services

The Massachusetts Executive Office of Health and Human Services (EOHHS) intends to amend its Medicaid State Plan in the second quarter of calendar year 2024 to cover prescribed drugs that are otherwise not considered covered outpatient drugs. These drugs will be covered only when medically necessary during drug shortages identified by the United States Food and Drug Administration (FDA).

EOHHS expects this change to take effect on or around June 26, 2024. There is no expected fiscal impact from this change because EOHHS is not aware of any current drug shortages that would be covered by this amendment. This change is being made to improve access for MassHealth members when there are drug shortages. Specifically, this amendment will allow for the coverage of drugs authorized for import by the FDA, even if they are not covered outpatient drugs under Section 1927 of the Social Security Act.

Individuals may submit written comments by email at ehs-regulations@mass.gov by June 17, 2024. Please submit electronic comments as an attached Word document or as text within the body of the email, with “Drug Shortages” in the subject line. All submissions must include the sender’s full name and address. Individuals unable to submit comments by email should mail written comments to:

EOHHS, c/o D. Briggs
100 Hancock St., 6th Floor
Quincy, MA 02171

Copies of the proposed changes will be available at EOHHS or at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-notices.

Posted: May 22, 2024