

## **Introduction**

Good morning. My name is Alicia Muzzi and I am the Project Manager for the Pharmacy Program at MassHealth in the Executive Office of Health and Human Services (EOHHS). I am here to present staff testimony on the recission of regulation 101 CMR 446.00: *COVID-19 Payment Rates for Certain Community Health Care Providers*.

## **Background**

Regulation 101 CMR 446.00 governs the payment rates paid by MassHealth and other governmental purchasers for certain COVID-19-related community health care services rendered to publicly-aided individuals by providers. The regulation currently governs the rates for the following services and equipment.

- Remote patient monitoring
- COVID-19 vaccines and vaccine administration
- COVID-19 treatment
- Over-the -counter (OTC) diagnostic tests for COVID-19
- Infant formula supplied through pharmacies
- Delivery fee for prescribed drugs
- In-home vaccination services and waste prevention vaccinations

## **Description of Changes**

EOHHS proposes rescinding this entire regulation since services in 101 CMR 446.00 have been added to other rate regulations, will be added to other rate regulations, or are not currently covered. Specifically:

- Remote patient monitoring is no longer covered by MassHealth or other governmental payers;

- Rates for COVID-19 vaccines, vaccine administration, and treatment are covered in 101 CMR 317.00: *Rates for Medicines Services*, effective October 1, 2024;
- Rates for OTC COVID-19 tests and formula supplied through pharmacies will be covered and set pursuant to 101 CMR 322.00: *Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment*. This will allow EOHHS to set the prices for OTC COVID-19 tests at wholesale acquisition cost (WAC) consistent with 101 CMR 322.03(20), which is how EOHHS prices other medical supplies available through pharmacies. In addition, formula acquired at pharmacies will also be covered in 101 CMR 322.00 and priced at WAC; and
- In-home vaccination services and waste prevention vaccinations are not currently covered by MassHealth or any other governmental payer.

EOHHS anticipates it will add delivery fees for prescribed drugs to 101 CMR 331:00: *Rates for Prescribed Drugs*, at the same rate, or retain them in 101 CMR 446.00. EOHHS does not intend to make any substantive changes to delivery fees for prescribed drugs.

### **Fiscal Impact**

EOHHS anticipates that setting OTC COVID-19 tests at WAC will result in financial savings for aggregate MassHealth spending since 101 CMR 446.00 sets the allowable fees for OTC COVID-19 tests no higher than \$12 per test, and in all cases, the WAC for tests is less than \$12.00 per test. Based on utilization in calendar year 2024 and the difference between wholesale acquisition cost and \$12.00 per test for OTC COVID-19 tests, the estimated aggregate annual fiscal impact of the proposed amendments is a savings of \$63,000 in MassHealth spending.

There is no other fiscal impact because the other services in 101 CMR 446.00 have either been added to other rate regulations at the same rates, will be added to other rate regulations at the same rates, or are not currently covered.

Testimony on 101 CMR 446.00  
Recission of COVID-19 Payment Rates for Certain Community Health Care Providers  
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In conclusion, we are proposing the recission of 101 CMR 446 since we are no longer in a public health emergency and rates for services contained in this regulation are now set in another EOHHS pricing regulation, thereby rendering 101 CMR 446 unnecessary.

Thank you.