



February 24, 2017

Submitted Via Email

Patrick Conway, MD, MSc  
Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
[Patrick.Conway@cms.hhs.gov](mailto:Patrick.Conway@cms.hhs.gov)

Re: Medicaid Prescribing Authority

Dear Acting Administrator Conway:

The Emergency Department Practice Management Association (EDPMA) is one of the nation's largest professional physician trade associations focused on the delivery of high-quality, cost-effective care in the emergency department. EDPMA's membership includes emergency medicine physician groups, as well as billing, coding, and other professional support organizations that assist healthcare providers in our nation's emergency departments. Together, EDPMA's members deliver (or directly support) **health care for about half of the 136 million patients that visit U.S. emergency departments each year.** We work collectively and collaboratively to deliver essential healthcare services, often unmet elsewhere, to an underserved patient population who often has nowhere else to turn.

**Access to Prescription Medications in Medicaid Populations**

It has come to our attention that Medicaid patients are being denied access to important medications at the pharmacy counter when they present with a prescription from an emergency room physician who has a pending enrollment with their state Medicaid agency or Medicaid Managed Care Organization(s) (MCOs).

According to several state Medicaid agency officials and MCOs, prescriptions can only be filled when the prescriber is in an approved enrollment status with the state Medicaid agency or MCO, *even in an emergency situation*. This presents a significant challenge for very sick Medicaid recipients who require important medications for an emergent illness. The situation is further exacerbated by the fact that some states and MCOs take a very long time to process enrollment applications. In many states, emergency physicians can wait months – and sometimes more than a year - for an enrollment application to be approved, leaving some of their patients in limbo.

Some states have implemented procedures to address this problem. In Louisiana, the state Medicaid agency allows physicians to file a “Prescribers Only” form which causes the provider's enrollment application to be pulled and worked. And Arkansas used to have a process where, if a prescription came through from a provider with a pending enrollment application, the provider was given a temporary provider number which could be extended. Our members view this process as a “best practice.”

### **Current Precedent in the Medicare Program**

As you are aware, CMS recently finalized requirements that any physician or other eligible professional who prescribes Part D drugs must either enroll in the Medicare program or opt-out in order to prescribe drugs to their patients with Part D prescription drug benefit plans. However, CMS provided an exception to this requirement so that a beneficiary could receive a 3-month provisional supply of a drug (as prescribed by the prescriber and if allowed by applicable law).

### **Solutions**

We believe it is imperative for CMS to establish *federal requirements* for state Medicaid programs to ensure Medicaid recipients have access to prescription medications – especially in emergency situations – when a physician enrollment status is pending.

We urge you to offer guidance to the states providing that emergency providers who have submitted an enrollment application, or application for revalidation, shall have temporary prescribing authority under the Medicaid program until the application has either been approved or rejected. Further, the guidance should encourage states to process all enrollment and revalidation applications within 90 days.

\*\*\*

The EDPMA appreciates the opportunity to share our concerns and provide potential solutions. If you have any questions, please contact Elizabeth Mundinger, Executive Director of EDPMA, at [emundinger@edpma.org](mailto:emundinger@edpma.org) if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Timothy Seay". The signature is fluid and cursive.

Timothy Seay, MD, FACEP  
Chairman, EDPMA Board of Directors