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Legislative Document

No. 733

H.P. 542

House of Representatives, February 4, 1997

An Act to Require Medicaid to Pay for Intravenous Drug Therapy at Home.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative VIGUE of Winslow. Cosponsored by Senator DAGGETT of Kennebec.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 22 MRSA §3174-R is enacted to read: 4 \$3174-R. Medicaid coverage for home intravenous drug therapy 6 <u>services</u> 1. Definitions. As used in this section, unless the 8 context otherwise indicates, the following terms have the following meanings. 10 12 A. "Home intravenous drug therapy services" means the items and services described in this paragraph furnished to an individual who is under the care of a physician in a place 14 of residence used as the individual's home by a qualified 16 home intravenous drug therapy provider and under a plan established and periodically reviewed by a physician. "Home intravenous drug therapy services" includes pharmacy and 18 related services, including medical supplies, intravenous fluids and equipment used in administering intravenous 20 fluids as are necessary to conduct safely and effectively an 22 intravenous-administered drug regimen. "Qualified pharmacy home intravenous drug therapy 24 в. provider" means any entity that the Maine Board of Commissioners of the Profession of Pharmacy determines meets 26 the following requirements. 28 (1) The entity is capable of providing home intravenous drug therapy services. 30 32 (2) The entity makes services available, as needed, 7 days a week on a 24-hour basis. 34 (3) The entity adheres to the appropriate written 36 protocols and policies with respect to the provision of items and services. 38 (4) The entity maintains clinical records on all 40 patients. 42 (5) The entity coordinates all services with the patient's physician. 44 (6) The entity maintains patient records as to frequency of nursing visits, a certificate of medical 46 necessity from the attending physician, progress reports on the patient and a patient care plan. 48

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The entity conducts a quality assessment and (7) assurance program, including a drug regimen review and 2 coordination of patient care. 4 (8) The entity provides sterile compounding of intravenous drugs in an atmosphere that contains less 6 than 1,000 particles 0.5 microns or larger in diameter 8 per cubic foot of air and has positive air flow. Clean air hoods must be certified at least annually. 10 (9) The entity performs stringent quality control 12 procedures, including keeping complete sterile compounding records of drug lot number, expiration date and quantity used and a copy of the label attached to 14 the final compounded product. 16 (10) The entity is licensed by the Maine Board of Commissioners of the Profession of Pharmacy. 1820 (11) The entity meets such other requirements as the Maine Board of Commissioners of the Profession of Pharmacy may determine are necessary to ensure the safe 22 and effective provision of home intravenous drug therapy services and the efficient administration of 24 home intravenous drug therapy. 26 C. "Referring physician" means, with respect to providing home intravenous drug therapy services to an individual, a 28 physician who: 30 (1) Prescribed the home intravenous drug for which the services are to be provided; and 32 34 (2) Established the plan of care for the services. 36 2. Medicaid payment. Medicaid payment for home intravenous drug therapy services may not exceed an amount equal to the lesser of the qualified provider's usual and customary charges 38 for the services or the reimbursement schedule established under 40 this subsection when the services are determined medically necessary by the state Medicaid program. 42 A. The Department of Human Services shall establish a reimbursement schedule for the following: 44 46 (1) Home intravenous antibiotics; 48 (2) Chemotherapy; 50 (3) Pain management;

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_	(4) Total parenteral nutrition; and
2	(5) Other home intravenous therapies.
4	B. Service per diem rates include the following:
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8	(1) Pharmacy sterile compounding fees;
10	(2) Intravenous pole, infusion pumps and pump cassettes;
12	(3) All required intravenous supplies such as
14	syringes, tubing, catheter care kits and other similar supplies; and
16	(4) Other related services necessary for home intravenous drug therapy services.
18	A reimbursement schedule established under this paragraph
20	<u>A reimbursement schedule established under this paragraph</u> must be on a per diem basis.
22	<u>C. The Medicaid reimbursement must be the average wholesale</u> cost of drug and solution, plus a service per diem not to
24	exceed the 40th percentile of average daily Medicaid per
26	<u>diem to hospitals in the State or the usual and customary</u> reimbursement, whichever is lower.
28	D. Reimbursement under this subsection is not subject to the Medicaid pharmacy benefits limits.
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32	3. Physician clinical management fees. The referring physician prescribing the home intravenous drug therapy services
34	is entitled to Medicaid payment for certain clinical management services determined by the Department of Human Services. The schedule of physicians' fees for these services may not exceed,
36	on a per diem basis, the 40th percentile of average Medicaid fees paid to physicians for hospital visits in the State or the usual
38	and customary reimbursement, whichever is lower.
40	4. Limitation. Limitation on acceptance of and payments for certain referrals is governed as follows.
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44	A. Except as provided in paragraph B, payment for home intravenous drug therapy services may not be made to any provider in which a physician or a physician's immediate
46	family member has an ownership interest, or in any situation where the physician receives compensation from the provider
48	to induce referrals.
50	B. Paragraph A does not apply:

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2	(1) If the ownership interest is the ownership of stock that is traded over a publicly regulated exchange
4	and was purchased on terms generally available to the public;
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8	(2) If the compensation is reasonably related to items or services actually provided by the physician and does not vary in proportion to the number of referrals made
10	by the referring physician, but such an exception does not apply to compensation provided for direct patient
12	care services; or
14	(3) To a referring physician whose only ownership or financial relationship with the provider is as an
16	uncompensated officer or director of the provider.
18	5. Administration of medication. When the home intravenous drug therapy medication must be administered by a licensed health
20	care professional, the management of this medication must be provided by a licensed home health agency.
22	6. Sales and delivery. A person may not sell intravenous
24	drugs in this State or deliver intravenous drugs into this State through the United States mail or a private carrier, unless that
26	person is licensed by the Maine Board of Commissioners of the Profession of Pharmacy.
28	7. Sanctions. Payment may not be made under this section
30	for home intravenous drug therapy services that are provided in violation of this section or that jeopardize federal financial
32	participation.
34	8. Exclusion. The provisions of this section do not grant the Maine Board of Commissioners of the Profession of Pharmacy
36	any authority to regulate the practice of nursing in this State, and the practicing of nursing in this State remains the sole
38	responsibility of the State Board of Nursing pursuant to Title 32, chapter 31.
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42	SUMMARY
44	This bill authorizes state Medicaid to pay for intravenous drug therapy services at home. By allowing patients, such as
46	those in need of continuous medication to alleviate pain, to receive intravenous drugs at home rather than in the hospital,
48	the State's Medicaid program will save money and hospital beds will be freed for other patients.
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