

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Pharmacy Program
Prior Authorization for Tamiflu and Relenza
(LAC 50:XXIX.108)**

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:XXIX.108 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the Rules governing the Pharmacy Program in a codified format for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 32, Number 6). The bureau amended the June 20, 2006 Rule to adopt new provisions governing the reimbursement of antihemophilia drugs (*Louisiana Register*, Volume 34, Number 5).

The Centers for Disease Control (CDC) has issued guidance and recommendations for medical practitioners with patients who have a confirmed or suspected diagnosis of Swine Influenza A (H1N1) virus infection. Tamiflu® and Relenza® are FDA-approved

antiviral drugs that are effective against the current strain of Swine Influenza A (H1N1) virus. In order to assure the appropriate use of these drugs and to maintain adequate supplies, the department proposes to adopt provisions governing the prior authorization of Tamiflu® and Relenza®.

This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens with confirmed or suspected Swine Influenza A (H1N1) viral infection, and to assure that adequate supplies of drugs to treat the infection are available.

Effective May 5, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing prior authorization of Tamiflu® and Relenza® in the Pharmacy Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXIX. Pharmacy

Chapter 1. General Provisions

§108. Prior Authorization of Tamiflu® and Relenza®

A. Tamiflu® and Relenza® are both FDA-approved antiviral drugs that are effective against Swine Influenza A (H1N1) virus. Tamiflu® is FDA-approved to treat and prevent influenza in persons one year of age and older. Relenza® is FDA-approved for treatment of influenza in persons seven years of age and older

and for prevention of influenza in persons five years of age and older.

B. In order for the Medicaid Program to provide reimbursement for Tamiflu® and Relenza®, the prescribing practitioner must contact the call center at the University of Louisiana at Monroe (ULM) to request prior authorization. The prior authorization request must contain the following information:

1. a statement that the patient has tested positive for Influenza A with a rapid influenza test; and
2. one of the following ICD-9-CM codes:
 - a. 487.0—influenza with pneumonia;
 - b. 487.1—influenza with other respiratory manifestations; or
 - c. 487.8—influenza with other manifestations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Interested persons may submit written comments to Jerry Phillips, Department of Health and Hospitals, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine

Secretary