



December 20, 2019

Mr. Bill Brooks
Associate Regional Administrator
Division of Medicaid and Children's Health
Centers for Medicare & Medicaid Services
Department of Health and Human Services
1301 Young Street, Room 833
Dallas, Texas 75202

RE: Texas Title XIX State Plan Amendment Transmittal Number 19-0014

Dear Mr. Brooks:

The purpose of this letter is to secure the review and approval of an amendment, Transmittal Number (TN) 19-0014, to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The requested effective date for the proposed amendment is October 1, 2019.

The proposed amendment is to implement new pharmacy delivery models that improve cost-effectiveness with the goal of improving health outcomes for Medicaid/CHIP beneficiaries. Upon approval, Texas will expand the Medicaid/CHIP benefit to allow pharmacists to administer certain medications and flu vaccines in a pharmacy setting. These products will be covered on the Medicaid/CHIP formularies, and pharmacies will be reimbursed for the ingredient cost, dispensing fee, and applicable administration fees for each claim processed. Texas will utilize the existing reimbursement rates established for the pharmacy and acute care benefit.

If you have any questions or need additional information regarding this submission, please contact Dana Williamson, Director of Policy Development Support. Ms. Williamson serves as the lead staff on this matter and can be reached by telephone at (512) 462-6287 or by email at Dana.Williamson@hhs.state.tx.us.

Sincerely,

Stephanie Muth
State Medicaid Director

Attachments

cc: Ford Blunt, CMS
Billy Bob Farrell, CMS

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE AND MEDICAID SERVICES		1. TRANSMITTAL NUMBER: 19-0014	2. STATE: TEXAS
		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE AND MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE: October 1, 2019	
5. TYPE OF PLAN MATERIAL (<i>Circle One</i>): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT			
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: 42 USC §§ 1396a(a), 1396d(a)(6), (12), 1396s; 42 CFR §§ 440.120(a), 440.225		7. FEDERAL BUDGET IMPACT: SEE ATTACHMENT a. FFY 2020 - \$790,428 b. FFY 2021 - \$1,612,243 c. FFY 2022 - \$1,847,869	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: SEE ATTACHMENT TO BLOCKS 8 & 9		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): SEE ATTACHMENT TO BLOCKS 8 & 9	
10. SUBJECT OF AMENDMENT: The proposed amendment is to allow pharmacists to administer certain medications and flu vaccines in a pharmacy setting and to provide for appropriate reimbursement.			
11. GOVERNOR'S REVIEW (<i>Check One</i>): <input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input checked="" type="checkbox"/> OTHER, AS SPECIFIED: Sent to Governor's Office this date. Comments, if any, will be forwarded upon receipt. <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: Stephanie Muth State Medicaid Director Post Office Box 13247, MC: H-100 Austin, Texas 78711	
13. TYPED NAME: Stephanie Muth			
14. TITLE: State Medicaid Director			
15. DATE SUBMITTED: December 20, 2019			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

Attachment to Block 7 of CMS Form 179

Transmittal Number 19-0014

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,298,124	\$790,428	\$507,696
FFY 2021	\$2,608,385	\$1,612,243	\$996,142
FFY 2022	\$2,989,596	\$1,847,869	\$1,141,727

The above fiscal impact is based on payment to pharmacies for flu vaccines and drug administration using current rates for physician services. For administration services, the analysis assumes a 4% increase in utilization and a 5% shift from office administration to pharmacy taking place in a 12-month period when pharmacy administration is allowed. For flu vaccine coverage, the fiscal impact is based on an overall increase with no switch component. The reason for the increased overall utilization is largely based on capturing “well clients” whom seldom visit a physician's office but would visit a pharmacy due to convenience of no scheduling and ease of access to many available locations. Thus, estimating a switch component is difficult due to unpredictable provider and patient preferences.

As of October 2019, flu vaccines for those seven years and older are an optional pharmacy benefit in managed care. The reimbursement rate is negotiated solely between the pharmacy and the Managed Care Organization’s contracted Pharmacy Benefit Manager. However, a reduction in flu cases translates to an unknown decrease in associated expenses necessary to treat the patient. HHSC utilized existing pharmacy data to develop a cost estimate of what MCOs are already paying pharmacy providers for this service.

FFY 2020: Flu vaccine and administration services federal fiscal year 2020 estimate based on year to date SFY2019 claims data and SFY2018 claims data, respectively. No trend was assumed for administration services. The federal medical assistance percentage (FMAP) applied was 60.89 percent.

FFY 2021: Flu vaccine federal fiscal year 2021 estimate based on trended utilizers using estimated overall managed care caseload trend of 1.01% and overall fee for service caseload trend of 1.00%. No trend was assumed for administration services. The FMAP applied was 61.81 percent.

FFY 2022: Flu vaccine federal fiscal year 2022 estimate based on trended utilizers using estimated overall managed care caseload trend of 1.01% and overall fee for service caseload trend of 1.02%. No trend was assumed for administration services. The FMAP applied was 61.81 percent.

Attachment to Blocks 8 & 9 of CMS Form 179

Transmittal Number 19-0014

**Number of the
Plan Section or Attachment**

**Number of the Superseded
Plan Section or Attachment**

Appendix 1 to Attachment 3.1-A
Page 24g
Page 24h

Appendix 1 to Attachment 3.1-A
New Page
New Page

X. Medication Administration Provided in a Pharmacy

- (a) Certain injectable drugs and vaccines may be administered by a participating pharmacy. Administration services do not require prior authorization.
- (b) HHSC lists the injectable drugs and vaccines that may be provided by a participating pharmacy on its website: <http://www.txvendordrug.com>.
- (c) Participating pharmacies are licensed pharmacies enrolled as Title XIX providers with the Vendor Drug Program.
- (d) Administration services are reimbursed according to the agency fee schedule as outlined on Attachment 4.19-B, relating to the reimbursement methodology for physicians and certain other practitioners. Payments based on a fee schedule are made for these services.
- (e) All fee schedules are available through the agency's website as outlined on Attachment 4.19-B, page 1.

X. Flu Vaccines Provided in a Pharmacy

- (a) Flu vaccines may be provided by a participating pharmacy. Coverage of flu vaccines do not require a prescription for Medicaid-eligible clients age seven and older. Flu vaccines do not require prior authorization.
- (b) HHSC lists the flu vaccines that may be provided by a participating pharmacy on its website: <http://www.txvendordrug.com>.
- (c) Participating pharmacies are licensed pharmacies enrolled as Title XIX providers with the Vendor Drug Program.
- (d) Flu vaccines are reimbursed according to the agency fee schedule as outlined on Attachment 4.19-B, relating to the reimbursement methodology for physicians and certain other practitioners. Payments based on a fee schedule are made for these services.
- (e) All fee schedules are available through the agency's website as outlined on Attachment 4.19-B, page 1.

regional office, and at the Brownsville Public Library, 2600 Central Boulevard, Brownsville, Cameron County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Harlingen Regional Office, 1804 W Jefferson Ave, Harlingen, Texas. Further information may also be obtained from Jupiter Brownsville, LLC at the address stated above or by calling Mr. Tom Ramsey, Chief Executive Officer at (713) 600-1600.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least one week prior to the meeting.

Notice Issuance Date: May 14, 2019

TRD-201901426

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 15, 2019



Notice of Request for Comment and Opportunity for a Hearing on the Draft Alternative Method of Control for National Emission Standard for Benzene Emissions from Benzene Transfer Operations

The Texas Commission on Environmental Quality (TCEQ) requests comments on the Draft Alternative Method of Control (AMOC) for National Emission Standard for Benzene Emissions from Benzene Transfer Operations under the requirements of 40 Code of Federal Regulations (CFR) §61.12(d)(1).

Summary: On April 12, 2019, **Deer Park Refining Limited Partnership, Shell Oil Company (Shell) Deer Park Refinery**, requested an AMOC under the federal Clean Air Act. Shell requests approval to substitute an enclosed marine vapor recovery system routed to a fuel recovery system at the refinery in lieu of the requirements in 40 CFR §61.302(b) to use a vapor capture system routed to an incinerator, steam generating unit, process heater, carbon adsorber, or flare for marine loading of benzene. The specified control systems allowed under the rule are required to achieve 98% control of volatile organic compounds (VOCs), and the proposed marine vapor recovery system complies with 40 CFR §63.562(b)(3) and achieves 98% or better control of VOCs. With this notice, the TCEQ is soliciting comment on all aspects of the AMOC request and the resulting alternative operating conditions necessary to achieve a reduction in emissions of VOCs at least as equivalent to the reduction in emissions required by 40 CFR §61.302(b).

Written Comments: Written comments or request for a hearing may be submitted to Anne Inman, P.E., MC 163, Air Permits Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. Electronic comments or requests may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Project Number 2019-107-OTH-NR. The comment period closes June 25, 2019. For further information, please contact Anne Inman, P.E., Operating Support Section, Air Permits Division, TCEQ (512) 239-1276.

TRD-201901415

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 14, 2019



Texas Ethics Commission

List of Late Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Sue Edwards at (512) 463-5800.

Deadline: 8-Day Report due October 29, 2018, for Committees

Carol E. Champion, The PAC for Progressive Texas Women, P.O. Box 131944, Houston, Texas, 77219

Deadline: Monthly Report due March 5, 2019, for Committees

Prisylla A. Jasso, Strategic International Development PAC, 5000 N. 1st Ln. #173, McAllen, Texas, 78504

TRD-201901412

Ian M. Steusloff

Interim Executive Director

Texas Ethics Commission

Filed: May 13, 2019



Texas Health and Human Services Commission

Public Notice: Pharmacist Reimbursable Services

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 19-0014 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to implement new pharmacy delivery models that improve cost-effectiveness with the goal of improving health outcomes for Medicaid/CHIP beneficiaries. The proposed amendment is effective September 1, 2019.

The proposed amendment is estimated to have no fiscal impact. Texas will utilize the existing reimbursement rates established for the pharmacy and acute care benefit.

To obtain copies of the proposed amendment, interested parties may contact Cynthia Henderson, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or, by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.

TRD-201901394

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 10, 2019



Texas Department of Housing and Community Affairs

Notice of Public Hearing and Public Comment Period on the Draft 2020 Regional Allocation Formula Methodology

The Texas Department of Housing and Community Affairs (the Department) will hold a public hearing to accept public comment on the Draft 2020 Regional Allocation Formula (RAF) Methodology.

The public hearing will take place as follows: