

16623

NOTICE OF RULE ADOPTION—TEMPORARY RULE

FILED
DEC 21 2009

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

MISSISSIPPI
SECRETARY OF STATE

Miss. Division of Medicaid
c/o Ginnie McCardle, Staff Officer
Walter Sillers Building
550 High St.
Suite 1000
Jackson, MS 39201-1399
(601) 359-6310
<http://www.medicaid.ms.gov>

Specific Legal Authority authorizing the promulgation of Rule:
Miss. Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the Temporary Rule :
PDL Drug List

Date Rule Proposed: December 21, 2009

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:

AP2009-67 Medicaid's 2010 Updated Preferred Drug List-See attached memo from Medicaid's Executive Director outlining the urgency of this filing. This temporary rule is being filed with an effective date of January 1, 2010. The proposed rule regarding the Preferred Drug List is being filed with an effective date of March 1, 2010, with the temporary rule covering the time period of January 1, 2010 until February 28, 2010.

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:

Time:

Place:

An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

This rule as adopted is without variance from the proposed temporary rule.

This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: January 1, 2010

Signature and Title of Person Submitting Rule for Filing



STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID
DR. ROBERT L. ROBINSON
EXECUTIVE DIRECTOR

Memorandum

To: File

From: Robert L. Robinson

Date: December 16, 2009

Re: Preferred Drug List Memo

Pursuant to the authority provided in Mississippi Code Section 25-43-3.108, I find that adoption of the above described rule for the Medicaid Preferred Drug List is necessary due to the imminent peril to the public health and welfare that may result from failure to adopt this rule effective January 1, 2010. The drugs described on the Preferred Drug List are available to Medicaid recipients without additional prior authorization or review thereby expediting the delivery of prescribed drugs to the needed population. Further, in addition to their clinical efficacy, the drugs provided for on the Preferred Drug List have been determined to be cost effective when compared to drugs not on the list. Given the dire budget constraints facing the State and the Division of Medicaid due to recent budget cuts and projected continuing state revenue shortfalls it is necessary to enact the Preferred Drug list as soon as possible in order to help sustain the viability of the program. Since most drugs are purchased in the first week of the month, it is necessary to implement the changes January 1, 2010. It is our intent that this policy will be effective for a period not to exceed 120 days as required by law, unless renewed for period not to exceed 90 days as allowed by law.