

Steve Sisolak
Governor



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State of Nevada
**Department of Health and
Human Services**

Right-of-Way for Dual 340B Patients Policy

Division of Public and Behavioral Health
Office of HIV

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12/9/20

Helping people. It's who we are and what we do.



Agenda

- Opening Remarks - Lisa Sherych, Division of Public & Behavioral Health (DPBH) Administrator
- Nevada Medication Assistance Program (NMAP) Overview/Timeline - Tory W. Johnson, Section Manager, DPBH Office of HIV
- Right-of-Way 340B Policy overview - M. Thomas Blissett, Health Program Specialist I, DPBH Office of HIV
- **2021-2022 Funding & Waitlists – Tory W. Johnson**
- Public Comments





Opening Remarks





Nevada Medication Assistance Program (NMAP) Overview/Timeline

- 340B dispensing model change – October 2019
- Direct purchase model proposed – January 2020
 - ✓ **ALL** (insured/uninsured) clients could only receive medications from Walgreens
- Hybrid model proposed – October 2020
 - ✓ Insured clients could utilize **ANY** in-network pharmacy
 - ✓ Uninsured clients could utilize **ONLY** Walgreens
- Rebate model continues – December 2020
 - ✓ Walgreens agreement dissolved
 - ✓ 340B Right-of-Way Policy established
 - ✓ Insured & Uninsured clients can access **ANY** in-network pharmacy





Right-of-Way Policy for Dual 340B Patients | **Background**



ADAPs - Most economical manner feasible

- **42 CFR Part 50, Subpart E**



340B Drug Pricing program - Rebate model

- **63 Fed. Reg. 35239, June 29, 1998**



ADAP - Only covered entity to receive rebate

- **IV.3.C Cha 3. ADAP Manual, 2016**



340B entities prohibited from obtaining 340B pricing

- **Duplicate Discount Prohibition: 42 USC 256b(a)(5)(A)(i)**





Right-of-Way Policy for Dual 340B Patients | Purpose



Nevada Medical Assistance Program (NMAP) In-Network Pharmacies dispensing medications

→ NMAP clients



Establish NMAP program as a 340B Rebate Model program

→ **Choice of NMAP network pharmacies for clients**



NMAP in compliance with the Duplicate Discount Prohibition - HRSA

→ **340B entities utilize 340B medications when out-of-pocket maximum is met**





NMAP Program | Right-of-Way Policy for Dual 340B Patients



1

The client enrolls in NMAP & becomes a patient of NMAP



1a

NMAP pays the patient's health insurance premiums & the patient receives Pharmacy Benefit Manager (PBM) ID card





NMAP Program | Right-of-Way Policy for Dual 340B Patients (contd.)



2

NMAP patient takes prescription (Rx) to a NMAP in-network pharmacy



2a

NMAP patient presents health insurance card & PBM ID card to a NMAP in-network pharmacy





NMAP Program | Right-of-Way Policy for Dual 340B Patients (contd.)



3

Pharmacy fills Rx with non-340B stock medication



3a

PBM pays the NMAP patient's medication cost-share and/or the full cost of the medication





NMAP Program | Right-of-Way Policy for Dual 340B Patients (contd.)



4

PBM submits all claims to the pharmaceutical companies



4a

NMAP generates & receives rebates, allowing NMAP to meet federal program requirements





NMAP Program | Right-of-Way Policy for Dual 340B Patients (contd.)



5

NMAP patient reaches out-of-pocket maximum



6

340B entity can dispense 340B medications to NMAP patients



6a

340B entity generates program income as an indirect benefit



NMAP Program | Right-of-Way Policy for Dual 340B Patients (contd.)

NON-PARTICIPATION PROVISION

1

Entity decides not to participate in NMAP pharmacy network based on Right-of-Way policy

2

Entity contacts Ramsell (NMAP PBM) to request removal from NMAP network

3

Entity is notified they are removed from NMAP pharmacy network

4

Entity is responsible for providing client(s) access to core medical and supportive services per PCN 15-03 and 16-02





2021-2022 Funding & Waitlists

- **2020 Grant Award (\$9,095,915)**
 - ❖ **\$2,263,676 – Ryan White Part B**
 - ❖ \$1,924,125 – Ryan White Part B Direct Services after 15% recipient admin
 - ❖ \$4.2m in additional services – Rebates
 - ❖ **\$6,832,239 – AIDS Drug Assistance Program (NMAP)**
 - ❖ \$5,807,403 – NMAP Direct Services after 15% recipient admin
 - ❖ \$22,919,169.35 medication costs: January 1, 2020 - current
 - ❖ \$15m projected rebates vs \$9,640,365.48 actual rebates: January 1, 2020 - current
 - ❖ **State Match - \$4,547,958**
 - ❖ **Maintenance of Effort - \$3.1M**





2021-2022 Funding & Waitlists (cont.)

- Reduction in rebates impacts ability to provide level funding in northern and southern Nevada.
- Impacts clients access to services
- Funds will be shifted to focus on providing health insurance and access to medications
- More then likely a waitlist will have to be enacted. Working with HRSA Project Officer should any services be cut
- Potential services to be **cut** could be **housing, food bank, mental health, medical transportation**, etc.





Public Comments

December 10, 2020 – December 17, 2020

Please send to:

NVADAP@health.nv.gov

Located @

<https://endhivnevada.org/end-hiv-nevada-program/nevadas-aids-drug-assistance-program-adap/>





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