

	MEDICAL ASSISTANCE BULLETIN COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE		
	NUMBER: 08-05-03, 09-05-04, 11-05-02, 24-05-03, 27-05-03, 31-05-04	ISSUE DATE: June 16, 2005	EFFECTIVE DATE: June 8, 2005
SUBJECT: Non-Coverage of Drugs for the Treatment of Erectile Dysfunction for Sex Offenders		BY:  David S. Feinberg Deputy Secretary for Medical Assistance Programs	

PURPOSE:

The purpose of this bulletin is to announce that drugs for the treatment of Erectile Dysfunction (ED) for sex offenders are not a covered benefit under the Medical Assistance (MA) Program.

SCOPE:

This bulletin applies to all pharmacies and licensed prescribers enrolled in the MA Program and providing services in the Fee-For-Service and Managed Care delivery systems.

BACKGROUND:

On May 23, 2005, the Centers of Medicare and Medicaid Services (CMS) issued a directive to all States reminding them of their obligation under Title XIX of the Social Security Act, 42 U.S.C. §§ 1396-1396v, to prevent fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and patients. The directive clarified that in accordance with these provisions, coverage of drugs for the treatment of ED for sex offenders is not appropriate and Medicaid should not pay for the cost of such drugs in such circumstances. CMS advised States that failure to perform a review and implement appropriate controls may result in sanctions against the State.

DISCUSSION:

The Department of Public Welfare currently requires prior authorization of all prescriptions for drugs for the treatment of ED. See MA Bulletin Number 99-99-08, "Prior Authorization of Viagra and Other Drugs for the Treatment of Erectile Dysfunction" and MA Bulletin Number 99-05-02, "Revisions to Prior Authorization of Drugs for Erectile Dysfunction."

As of the effective date of this MA bulletin, the MA Program will not authorize any prescription for a drug to treat erectile dysfunction for any individual whose name appears on the Megan's Law website maintained by the Pennsylvania State Police, found at <http://www.pameganslaw.state.pa.us/>, or any other Commonwealth registry of sex offenders. Payment will not be made for drugs for the treatment of erectile dysfunction for anyone whose name appears on a registry of sex offenders.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate toll-free number for your provider type.

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap.