



MEDICAL ASSISTANCE BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

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NUMBER

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SUBJECT:

Returned Prescription Drug

BY:

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PURPOSE:

The purpose of this bulletin is to inform pharmacies that they are prohibited from receiving payment for a reusable drug for which they have already received payment from the Medical Assistance (MA) Program unless the pharmacies issue the proper credit to the MA Program. This is not a new regulation and past practices can be investigated by the Bureau of Program Integrity.

SCOPE:

This bulletin applies to all pharmacies providing pharmacy services to MA recipients in the fee for service (FFS) delivery system.

Pharmacies providing services under the managed care delivery system should address any related questions to the appropriate managed care organization.

BACKGROUND/DISCUSSION:

There may be occasions when a nursing facility returns an MA recipient's unused, unopened and sealed drug to the pharmacy. Examples of reasons for the returned drug include: the death of a recipient or a change to the prescribed drug. The pharmacy then restocks the drug and re-dispenses it.

This returned drug is considered by the MA Program to be a service that has not been rendered to a recipient and is subject to the regulatory provisions at Title 55 Pa.Code, § 1101.75(a)(4-5), relating to provider prohibited acts, which set forth that an enrolled provider may not, either directly or indirectly, do any of the following:

- (4) Submit a duplicate claim for services or items for which the provider has already received or claimed reimbursement from a source.

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 dpw.state.pa.us/omap

(5) Submit a claim for services or items which were not rendered by the provider or not rendered to a recipient.

In this situation, the MA Program is reminding pharmacies that they are obligated to return the payment for a returned reused drug that was previously billed to the MA Program. The pharmacy shall not bill the MA Program for a restocking fee and must complete a claim adjustment to refund the amount paid by the MA Program for the returned reused drug.

If the pharmacy has properly performed a claim adjustment with the primary insurance carrier and/or the MA Program, then the pharmacy may bill the MA Program a second time for a returned reusable drug when dispensed to an MA recipient eligible for the MA pharmacy benefit.

In addition, pharmacists are reminded to adhere to the requirements set forth in the Pharmacy Act at 63 P.S. § 390 -5(a)(9)(xi) and at Title 49, Chapter 27 State Board of Pharmacy, Section 27.102 relating to the return to stock of undelivered medication – statement of policy.

PROCEDURE:

When a returned drug is reused, the pharmacy must submit a claim adjustment to the MA Program to ensure proper credit to the MA Program.

Pharmacies are instructed to call 1-800-932-0938 and the Office of Medical Assistance Program's Pharmacy Section staff will assist pharmacies to pursue a claim adjustment for a returned reusable drug. The pharmacy may NOT bill the Department for a restocking fee.

Nursing facilities need to maintain their procedures, which are currently in place, for returning prescription drugs.