



**COMMONWEALTH of VIRGINIA**  
*Office of the Governor*

John Littel  
Secretary of Health and Human Resources

October 2, 2023

Todd McMillion  
Director  
Department of Health and Human Services  
Centers for Medicare and Medicaid Services  
233 North Michigan Ave., Suite 600  
Chicago, Illinois 60601

Dear Mr. McMillion:

Attached for your review and approval is amendment 23-014, entitled "Pharmacists as Providers" to the Plan for Medical Assistance for the Commonwealth. I request that your office approve this change as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "John E. Littel".

John E. Littel

Attachment

cc: Cheryl J. Roberts, Director, Department of Medical Assistance Services  
CMS, Region II

## Transmittal Summary

SPA 23-014

### I. IDENTIFICATION INFORMATION

Title of Amendment: Pharmacists as Providers

### II. SYNOPSIS

Basis and Authority: The Code of Virginia (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia (1950) as amended, § 32.1-324, authorizes the Director of the Department of Medical Assistance Services (DMAS) to administer and amend the Plan for Medical Assistance according to the Board's requirements.

Purpose: In accordance with SB 1538 of the 2023 General Assembly, the state plan is being revised to provide reimbursement to a pharmacist, pharmacy technician, or pharmacy intern when services are (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1.

Substance and Analysis: The sections of the State Plan for Medical Assistance that are affected by this action are “Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy and Medically Needy” and “Methods and Standards for Establishing Payment Rate-Others Types of Care”

Impact: None.

Tribal Notice: Please see attached.

Prior Public Notice: See Attached.

Public Comments and Agency Analysis: See attached. DMAS received one comment, which supported pharmacists as providers.

## Tribal Notice – Pharmacists as Providers

Lee, Meredith (DMAS) <Meredith.Lee@dmas.virginia.gov>

Fri 9/29/2023 9:23 AM

To:TribalOffice@MonacanNation.com <TribalOffice@MonacanNation.com>;Ann Richardson <chiefannerich@aol.com>;Gerald Stewart <jerry.stewart@cit-ed.org>;pamelathompson4@yahoo.com (pamelathompson4@yahoo.com) <pamelathompson4@yahoo.com>;rappahannocktrib@aol.com (rappahannocktrib@aol.com) <rappahannocktrib@aol.com>;Reggie Stewart <regstew007@gmail.com>;Gray, Robert <robert.gray@pamunkey.org>;tribaladmin <tribaladmin@monacannation.com>;chiefstephenadkins@gmail.com (chiefstephenadkins@gmail.com) <chiefstephenadkins@gmail.com>;bradbybrown@gmail.com (bradbybrown@gmail.com) <bradbybrown@gmail.com>;tabitha.garrett@ihs.gov (tabitha.garrett@ihs.gov) <tabitha.garrett@ihs.gov>;kara.kearns@ihs.gov (kara.kearns@ihs.gov) <kara.kearns@ihs.gov>;Mia Eubank (mia.eubank@ihs.gov) <mia.eubank@ihs.gov>;davehennaman@gmail.com <davehennaman@gmail.com>;administrator@nansemond.gov <administrator@nansemond.gov>;info@afwellness.com <info@afwellness.com>;info@fishingpointhc.com <info@fishingpointhc.com>;contact@Nansemond.gov <contact@Nansemond.gov>;brandon.custalow@mattaponination.com <brandon.custalow@mattaponination.com>;admin@umitribe.org <admin@umitribe.org>

 1 attachments (213 KB)

Tribal Notice Letter, signed.pdf;

***\*I'm resending the Tribal Notice. Virginia recently updated its tribal notice e-mail distribution list, so some of you may not have received the initial notice. \****

Dear Tribal Leaders and Indian Health Programs:

Attached is a Tribal Notice letter from Virginia Medicaid Director, Cheryl Roberts, indicating that the Department of Medical Assistance Services (DMAS) plans to submit a State Plan Amendment (SPA) to the federal Centers for Medicare and Medicaid Services. This SPA will allow DMAS to provide reimbursement to a pharmacist, pharmacy technician, or pharmacy intern when services are (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1, in accordance with SB 1538 of the 2023 General Assembly.

If you would like a copy of the SPA documents or proposed text changes, or if you have any questions, please let us know.

Thank you! -- Meredith Lee

Meredith Lee  
 Division of Policy, Regulation, and Member Engagement  
 Policy, Regulations, and Manuals Supervisor  
 Department of Medical Assistance Services  
 Hours: 7:00 am - 3:30 pm (Monday-Friday)  
[meredith.lee@dmas.virginia.gov](mailto:meredith.lee@dmas.virginia.gov)  
 (804) 371-0552

## Tribal Notice – Pharmacists as Providers

Lee, Meredith (DMAS)

Fri 9/15/2023 8:05 AM

To:TribalOffice@MonacanNation.com <TribalOffice@MonacanNation.com>;Ann Richardson <chiefannerich@aol.com>;Gerald Stewart <jerry.stewart@cit-ed.org>;pamelathompson4@yahoo.com (pamelathompson4@yahoo.com) <pamelathompson4@yahoo.com>;rappahannocktrib@aol.com (rappahannocktrib@aol.com) <rappahannocktrib@aol.com>;Reggie Stewart <regstew007@gmail.com>;Gray, Robert <robert.gray@pamunkey.org>;tribaladmin <tribaladmin@monacannation.com>;chiefstephenadkins@gmail.com (chiefstephenadkins@gmail.com) <chiefstephenadkins@gmail.com>;Frank Adams <Board.R1D@DGIF.VIRGINIA.GOV>;bradbybrown@gmail.com (bradbybrown@gmail.com) <bradbybrown@gmail.com>;tabitha.garrett@ihs.gov (tabitha.garrett@ihs.gov) <tabitha.garrett@ihs.gov>;kara.kearns@ihs.gov (kara.kearns@ihs.gov) <kara.kearns@ihs.gov>;Mia Eubank (mia.eubank@ihs.gov) <mia.eubank@ihs.gov>;davehennaman@gmail.com <davehennaman@gmail.com>;chief <chief@nansemond.org>;administrator@nansemond.gov <administrator@nansemond.gov>

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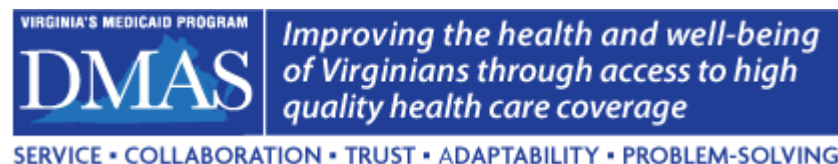
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Division of Policy, Regulation, and Member Engagement  
Policy, Regulations, and Manuals Supervisor  
Department of Medical Assistance Services  
Hours: 7:00 am - 3:30 pm (Monday-Friday)  
[meredith.lee@dmas.virginia.gov](mailto:meredith.lee@dmas.virginia.gov)  
(804) 371-0552





# COMMONWEALTH of VIRGINIA

## *Department of Medical Assistance Services*

CHERYL J. ROBERTS  
DIRECTOR

SUITE 1300  
600 EAST BROAD STREET  
RICHMOND, VA 23219  
804/786-7933  
800/343-0634 (TDD)  
[www.dmas.virginia.gov](http://www.dmas.virginia.gov)

September 15, 2023

SUBJECT: Notice of Opportunity for Tribal Comment – State Plan Amendment related to Pharmacists as Providers.

Dear Tribal Leader and Indian Health Programs:

This letter is to notify you that the Department of Medical Assistance Services (DMAS) is planning to amend the Virginia State Plan for Medical Assistance with the Centers for Medicare and Medicaid Services (CMS). Specifically, DMAS is providing you notice about a State Plan Amendment (SPA) that the Agency will file with CMS to provide reimbursement to a pharmacist, pharmacy technician, or pharmacy intern when services are (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1, pursuant to SB 1538 of the 2023 General Assembly.

The tribal comment period for this SPA is open through October 15 2023. You may submit your comments directly to Meredith Lee, DMAS Policy, Regulation, and Member Engagement Division, by phone (804) 371-0552, or via email: [Meredith.Lee@dmas.virginia.gov](mailto:Meredith.Lee@dmas.virginia.gov). Finally, if you prefer regular mail you may send your comments or questions to:

Virginia Department of Medical Assistance Services  
Attn: Meredith Lee  
600 East Broad Street  
Richmond, VA 23219

Please forward this information to any interested party.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl J. Roberts".

Cheryl J. Roberts, JD  
Director



Agency

Department of Medical Assistance Services

Board

Board of Medical Assistance Services

[Edit Notice](#)

## General Notice

### Public Notice - Intent to Amend State Plan - Pharmacists as Providers

Date Posted: 9/15/2023

Expiration Date: 3/15/2024

Submitted to Registrar for publication: YES

[30 Day Comment Forum](#) is underway. Began on 9/15/2023 and will end on 10/15/2023 [1 comments]

**LEGAL NOTICE  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MEDICAL ASSISTANCE SERVICES  
NOTICE OF INTENT TO AMEND**

(Pursuant to §1902(a)(13) of the *Act (U.S.C. 1396a(a)(13))*)

THE VIRGINIA STATE PLAN FOR MEDICAL ASSISTANCE

**This Notice was posted on September 15, 2023**

The Virginia Department of Medical Assistance Services (DMAS) hereby affords the public notice of its intention to amend the Virginia State Plan for Medical Assistance to provide for changes to the *Methods and Standards for Establishing Payment Rates — Other Types of Care (12 VAC 30-80)*.

This notice is intended to satisfy the requirements of 42 C.F.R. § 447.205 and of § 1902(a)(13) of the *Social Security Act*, 42 U.S.C. § 1396a(a)(13). A copy of this notice is available for public review from Meredith Lee, DMAS, 600 Broad Street, Suite 1300, Richmond, VA 23219, or via e-mail at: [Meredith.Lee@dmas.virginia.gov](mailto:Meredith.Lee@dmas.virginia.gov).

**DMAS is specifically soliciting input from stakeholders, providers and beneficiaries, on the potential impact of the proposed changes discussed in this notice.** Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to [Meredith.Lee@dmas.virginia.gov](mailto:Meredith.Lee@dmas.virginia.gov) and such comments are available for review at the same address. Comments may also be submitted, in writing, on the Town Hall public comment forum attached to this notice.

This notice is available for public review on the Regulatory Town Hall (<https://townhall.virginia.gov>) on the General Notices page, found at: <https://townhall.virginia.gov/L/generalnotice.cfm>

### **Methods & Standards for Establishing Payment Rates-Other Types of Care (12 VAC 30-80)**

In accordance with SB 1538 of the 2023 General Assembly, the state plan is being revised to provide reimbursement to a pharmacist, pharmacy technician, or pharmacy intern when the services are (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1.

**There is no expected increase or decrease in annual aggregate expenditures.**

**Contact Information**

<b>Name / Title:</b>	Meredith Lee / <i>Policy, Regulations, and Manuals Supervisor</i>
<b>Address:</b>	600 E. Broad St., Suite 1300 Richmond, 23219
<b>Email Address:</b>	<a href="mailto:Meredith.Lee@dmas.virginia.gov"><u>Meredith.Lee@dmas.virginia.gov</u></a>
<b>Telephone:</b>	(804)371-0552 FAX: (804)786-1680 TDD: (800)343-0634

*This general notice was created by Meredith Lee on 09/15/2023 at 7:54am*

[Export to PDF](#)[Export to Excel](#)

Agency

Department of Medical Assistance Services

Board

Board of Medical Assistance Services

1 comments

**All good comments for this forum**    [Show Only Flagged](#)[Back to List of Comments](#)**Commenter:** Joseph Cusimano

10/4/23 11:32 am

**Support for Pharmacists as Providers**

Hello:

I am writing to express my emphatic support for this amendment. I am a registered pharmacist in Virginia, a board-certified psychiatric pharmacist, and proud member of the Virginia Pharmacy Association.

The fight for provider status has spanned decades as pharmacists seek to be eligible to receive payment for the services we provide. The historical inability to obtain reimbursement from insurance companies for services other than dispensing medications has hamstrung our profession, limiting our ability to provide care for patients in need. With the passage of SB 1538 into law, that finally changes. I am grateful for the overwhelming bipartisan support the bill received in the legislature and from our governor and look forward to a new day for the pharmacy profession.

Pharmacists play an integral role in the healthcare system. Pharmacies safeguard the public health, safely dispensing life-saving medications to patients and caregivers in rural and urban centers alike. Pharmacists also serve an important role as immunizers, limiting the spread of diseases like the flu and COVID-19. With about 90% of Americans living within 5 miles of the nearest pharmacy, pharmacies are among the most accessible locations to receive immediate consultation with a healthcare provider, access over-the-counter medicines, and an increasing number of prescription medicines under a statewide protocol.

Pharmacists are highly educated healthcare professionals, with 2-4 years of undergraduate education and 4 years of doctoral education. Many pharmacists undergo 1-2 years of postgraduate residency training in specialized fields, such as cardiology, infectious disease, and psychiatry. Under a statewide protocol, pharmacists are authorized to provide treatments to prevent HIV, provide birth control, help people quit smoking, and soon will have protocols for the treatment of the flu, urinary tract infections, strep, and COVID-19.

As highly accessible and well-trained healthcare professionals, pharmacists are poised to help provide necessary healthcare to Virginians that need it most. The use of statewide protocols by pharmacists has been slow due to the lack of reimbursement. With the implementation of SB 1538, I foresee that many pharmacists will finally be able to afford to provide these services, giving patients unprecedented access to helpful medicines. This will lower unnecessary visits to the emergency room, facilitating early treatment of problems before they get worse. This will lower barriers to accessing healthcare, where it can otherwise take weeks to get an office visit. It is no exaggeration to suggest that the impact will save lives.



I appreciate the opportunity to voice my support and urge DMAS to work to ensure a smooth rollout of the amendment.

Sincerely,

Joe Cusimano, PharmD, BCPP

CommentID: **220430**

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

State of VIRGINIA

**AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY  
and MEDICALLY NEEDY**

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6. Medical care by other licensed practitioners within the scope of their practice as defined by State Law.

A. Podiatrists' Services.

1. Covered Podiatry services are defined as reasonable and necessary diagnostic, medical, or surgical treatment of disease, injury, or defects of the human foot. These services must be within the scope of the license of the podiatrists' profession and defined by State law.
2. The following services are not covered: preventive health care, including routine foot care; treatment of structural misalignment not requiring surgery; cutting or removal of corns, warts, or calluses; experimental procedures; acupuncture.
3. The Program may place appropriate limits on a service based on medical necessity and/or for utilization control.

B. Optometrists' Services.

1. Diagnostic examination and optometric treatment procedures and services by ophthalmologists, optometrists, and opticians, as allowed by the Code of Virginia and by regulations of the Boards of Medicine and Optometry, are covered for all requirements. Routine refractions are limited to once in 24 months except as may be authorized by the agency.

C. Chiropractors' Services

1. Not provided.

D. In accordance with 42 CFR 440.60, licensed or registered practitioners (including an LMHP, LMHP-R, LHMP-RP, or LMHP-S, as defined in Attachment 3.1 A&B, Supplement 1, page 31 and 31.1) may provide medical care or any other type of remedial care or services, other than physician services, within the scope of practice as defined under state law.

E. Pharmacist, Pharmacy Intern and Pharmacy Technician Services

Treatment services provided by pharmacists, pharmacy interns, and pharmacy technicians are covered when those treatment services are provided by a pharmacist, pharmacy intern, and pharmacy technician who is in a collaborative agreement with a provider licensed in Virginia or are specified in Board of Pharmacy protocols for licensure that have been reviewed and accepted by DMAS and are services covered by Medicaid.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

State of VIRGINIA

**METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATE-  
OTHER TYPES OF CARE**

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## § 6 d Other Practitioners Services

Vaccines administered by pharmacies (pharmacists, pharmacy interns, or pharmacy technicians) shall be reimbursed at the cost of the vaccine plus an administration fee not to exceed \$16. Vaccines obtained at no cost to the pharmacy shall be reimbursed for the administration fee only. No dispensing fee will be reimbursed.

Treatment services administered by pharmacists, pharmacy interns, and pharmacy technicians as defined on page 10 of Supplement 1 to Attachment 3.1-A&B are paid based on codes which are listed in the Agency's fee schedule rate. All rates are published on the agency's website at <https://www.dmas.virginia.gov/for-providers/procedure-fee-files-cpt-codes/>. Except as otherwise noted in the plan, State developed fee schedule rates are the same for both governmental and private providers.

TN No. 21-024Approval Date 11/23/2021Effective Date 10-1-21

Supersedes

TN No.           New page

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL  
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER ____ _	2. STATE ____
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3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT XIX XXI
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TO: CENTER DIRECTOR  
CENTERS FOR MEDICAID & CHIP SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
----------------------------

5. FEDERAL STATUTE/REGULATION CITATION
--


6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)
a. FFY _____ \$ _____
b. FFY _____ \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT
--

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)
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9. SUBJECT OF AMENDMENT
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10. GOVERNOR'S REVIEW (Check One)	
<input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL	<input type="checkbox"/> OTHER, AS SPECIFIED: Secretary of Health and Human Resources

11. SIGNATURE OF STATE AGENCY OFFICIAL 
12. TYPED NAME
13. TITLE
14. DATE SUBMITTED

15. RETURN TO
---------------

<b>FOR CMS USE ONLY</b>	
16. DATE RECEIVED	17. DATE APPROVED

<b>PLAN APPROVED - ONE COPY ATTACHED</b>	
18. EFFECTIVE DATE OF APPROVED MATERIAL	19. SIGNATURE OF APPROVING OFFICIAL
20. TYPED NAME OF APPROVING OFFICIAL	21. TITLE OF APPROVING OFFICIAL

22. REMARKS
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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

State of VIRGINIA

**AMOUNT, DURATION, AND SCOPE OF MEDICAL  
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY  
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**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

State of VIRGINIA

**METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATE-  
OTHER TYPES OF CARE**

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TN No. 23-0014

Approval Date \_\_\_\_\_

Effective Date 11-15-23

Supersedes

TN No. 21-024