

## HEALTH AND HUMAN SERVICES COMMISSION

### Public Notice: Texas State Plan Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 23-0009 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective January 1, 2023.

Currently, HHSC lists in its Medicaid State Plan certain categories of drugs that the state excludes from Medicaid coverage. The State Plan also lists certain specific drug exceptions to these excluded categories. The purpose of this amendment is to move the list of covered drugs in the excluded categories from the Medicaid State Plan to the Vendor Drug Program's (VDP) website at <https://www.txvendordrug.com/> One of the drugs that would be moved in this change is Naloxone, an agent that reverses opioid overdoses. The Food and Drug Administration is considering changing the status of this drug from prescription to over the counter (OTC). Most OTC drugs are excluded from Medicaid coverage, but certain OTC drugs are listed as exceptions, and therefore are covered by Medicaid. By moving the information about which OTC drugs HHSC does cover from the state plan to the VDP website, HHSC is able to start covering these drugs and making the public aware of the coverage much more quickly. HHSC will be able to quickly cover Naxolone (and make the public aware of that coverage) if the status changes to OTC, although a prescription will still be required as even covered OTC drugs require a prescription. This change would also allow HHSC to make prompt changes for drugs in other categories of excludable drugs, such as certain drugs for weight loss.

The proposed amendment is estimated to have no fiscal impact.

To obtain copies of the proposed amendment, interested parties may contact Kenneth Anzaldua, State Plan Lead, by mail at the Health and Human Services Commission, PO Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4326-; by facsimile at (512) 730-7472; or by email at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.