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Testimony of the Office of MaineCare Services  
Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services  
In Support of LD 282 *An Act to Allow the Department of Health and Human Services to Authorize Standing Orders*

Hearing Date: February 16, 2023

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services, my name is Anne-Marie Toderico. I am the Pharmacy Director for the Office of MaineCare Services. I am here today to introduce and speak in support of LD 282, *An Act to Allow the Department of Health and Human Services to Authorize Standing Orders*.

Federal Medicaid regulations (SSA, 42 U.S.C. §1927 k(4)) require that an authorized licensed health provider must prescribe certain over the counter (OTC) drugs and vaccinations in order for Medicaid to reimburse a provider for a product. This requirement limits MaineCare's ability to provide its members access to OTC products by requiring members to obtain a prescription for these items.

Federal guidance in support of Standing Orders was issued in a January 2017 Center for Medicaid and CHIP Services (CMCS) Informational Bulletin. CMCS encourages the use of standing orders to support the ability of pharmacists to improve access to medically necessary and time-sensitive drugs for Medicaid beneficiaries.

MaineCare, in partnership with Maine CDC, currently has two active Standing Orders to increase access to over-the-counter nicotine replacement therapies (NRT) and COVID-19 home tests. These Standing Orders have resulted in coverage of over 1,300 NRT claims and over 21,000 COVID home test claims. Granting MaineCare authority to issue Standing Orders would reduce the administrative burden for this support of MaineCare members.

The U.S. Food and Drug Administration (FDA) is currently considering switching certain naloxone products to OTC status. Naloxone is a medicine that can help reduce opioid overdose deaths when administered timely. With MaineCare's authority to issue Standing Orders for medically necessary OTC medications, MaineCare members would receive coverage of this medication at the pharmacy counter, facilitated by their pharmacist.

This bill would expand the authority of the Office of MaineCare Services to issue Standing Orders to support access medically necessary over the counter (OTC) medications and immunizations recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).

We hope you will support this proposal, and I will be happy to answer any questions you have and will plan to attend the work session.