

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
Department of Vermont Health Access (DVHA)

AHS Bulletin No: 10-11

Secretary of State's ID Number: 10P-031

FROM: Susan Besio, Ph.D., Commissioner
Department of Vermont Health Access

DATE: 06/29/10

SUBJECT: VPharm and VScript Rebate Agreements

CHANGES ADOPTED EFFECTIVE: 11/01/10

TYPE OF RULE CHANGE

Adopted Rule Changes

Final Proposed Rule Change

X Proposed Rule Change

RULE REFERENCE(S):

5450 5641

This rule is being implemented as a permanent version of the emergency rules found in Bulletin 10-03, as directed by (H.789) Act 156 of the 2009 -2010 Legislative Session, An Act Making Appropriations for the Support of Government.

Sec. E.309.15 33 V.S.A. § 1901(a)(4) is added to read:

(4) A manufacturer of pharmaceuticals purchased by individuals receiving state pharmaceutical assistance in programs administered under this chapter shall pay to the department of Vermont health access, as the secretary's designee, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebates provided under 42 U.S.C. section 1396r-8 paid to the department in connection with Medicaid and programs funded under the Global Commitment to Health Medicaid Section 1115 waiver.

Sec. E.309.16 33 V.S.A. § 2073(f) is amended to read:

(f) A manufacturer of pharmaceuticals purchased by individuals receiving assistance from VPharm established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebate paid to DVHA in connection with the Medicaid program.

Sec. E.309.17 33 V.S.A. § 2074(d) is amended to read:

(d) Any manufacturer of pharmaceuticals purchased by individuals receiving assistance from VermontRx established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebate paid to DVHA in connection with the Medicaid program.

Specific Changes

ALL PAGES	“Office of Vermont Health Access” changed to “Department of Vermont Health Access”, “OVHA” changed to “DVHA”
5450	Language was moved from the second paragraph of 5450 to a new section 5450.1. The last paragraph on page 1 was deleted, as it also refers to rebate agreements, and therefore covered in the new section.
5450.1	New subsection to address rebates and price discounts. Language was moved from the second paragraph of 5450, and adjusted to reflect the changes from Act 156.
5641	Language in the last paragraph was changed to reflect the changes from Act 156.

Comment Period

A public hearing is scheduled on Friday, September 3, 2010 from 12:00 p.m. - 2:00 p.m. in the Department of Vermont Health Access (DVHA) Conference Room, 312 Hurricane Lane, Suite 201, Williston, Vermont.

Written Comments may be submitted no later than 4:30 p.m. on Friday, September 10, 2010 to Greg Needle, DVHA, 312 Hurricane Lane, Suite 201, Williston, Vermont 05495.

To get more information about the Administrative Procedures Act and the Rules applicable to state rule making go to the website of the Department of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/index.htm> or call Louise Corliss at 828-2863. [General information, not specific rule content information]

For information on upcoming hearing before the Legislative Committee on Administrative rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedules/schedule2.cfm> or call 828-5760.