

VDP CHANGES FOR COVID-19 POST-PUBLIC HEALTH EMERGENCY

09/06/2024

SUMMARY OF NOTIFICATION

This notice details the Vendor Drug Program's policy changes due to the ending of the federal COVID-19 (COVID) authorizations.

The federal government allowed certain flexibilities during the COVID-19 (COVID) Public Health Emergency (PHE) coverage period. The following includes the federal authorizations and the expiration dates:

- Public Health Emergency (PHE) authorization ended May 11, 2023
- American Rescue Plan Act of 2021 (ARPA) authorization ended Sept 30, 2024
- Public Readiness and Emergency Preparedness Act (PREP Act) authorization ends Dec 31, 2024

KEY DETAILS

VDP's post-PHE COVID policies align with existing state laws.

1. Topic: Coverage of Emergency Use Authorization (EUA) of Vaccines and Treatments Ending (Oct. 1, 2024)

- Federal flexibility: During the PHE, the ARPA allowed Texas Medicaid to cover EUAs of vaccines, treatments, and tests until Sept. 30, 2024.
- Post PHE policy: VDP will not cover EUAs on the formulary or the clinician-administered drug (CAD) crosswalk because now FDA-approved vaccines, treatments, and tests are available.
 - HHSC action: VDP will ensure EUA vaccines, treatments, and tests are end-dated in the VDP formulary and CAD crosswalk files.
 - MCO action: MCOs must align with the VDP formulary and CAD crosswalk to not allow reimbursement for EUA vaccines and treatments through the pharmacy or CAD benefit when VDP makes the changes on Oct. 1, 2024.

2. Topic: COVID Home Tests Policy Pending (Oct. 1, 2024)

- Federal flexibility: During the PHE, the ARPA allowed Texas Medicaid to cover at-home COVID tests under EUA until Sept. 30, 2024.
- Post PHE policy: Since the EUA approvals will end Sept. 30, 2024, VDP will remove all COVID home test kits from the formulary under EUA approval and do not have FDA approval.
 - HHSC action: VDP will remove COVID home tests from the formulary that have EUA approval but do not have FDA approval as of Sept. 30, 2024.
 - MCO action: MCOs must adhere to the formulary changes VDP makes on Sept. 30, 2024.
 - VDP is considering previous recommendations provided by the MCOs and is considering requiring a prescription for the tests in the future. VDP is developing the new draft policy and will notify MCOs when it is available for comment. The implementation date of these changes is unknown but will likely not be before March

1, 2025, since it requires coordination with HHSC Actuarial Analysis.

3. Topic: Reinstate CHIP copays for COVID-19 vaccines, testing, and treatment (Oct. 1, 2024)

- Federal flexibility: The Centers for Medicare and Medicaid Services required states to provide Medicaid and CHIP coverage without cost sharing for COVID vaccinations, testing, and treatments through September 30, 2024.
- Post PHE policy: HHSC will reinstate CHIP copays for COVID vaccines, testing, and treatment on Oct. 1, 2024.
 - MCO action: Refer to the notice HHSC sent MCOs on May 28, 2024.

4. Topic: Change to Patient Vaccination Age at Pharmacy (Jan. 1, 2025)

- Federal flexibility: During the PHE, the PREP Act allowed pharmacists, pharmacist interns, and pharmacy techs to vaccinate patients three years and above for COVID or flu until Dec. 31, 2024.
- Post PHE policy: Beginning Jan. 1, 2025, pharmacies must comply with existing Texas State Board of Pharmacy (TSBP) regulations. Texas Administration Code (TAC) Section [295.15](#) allows pharmacists to administer immunizations or vaccinations to a patient under 14 years old only upon a referral from a physician who has an established physician-patient relationship with each patient. However, a pharmacist may administer an influenza vaccination to a patient over seven years of age without an established physician-patient relationship.
 - HHSC action: VDP will ensure age edits are in place and effective for Jan. 1, 2025.
 - MCO action: MCOs must ensure their PBMs implement age edits to comply with this state law and regulation by Jan. 1, 2025.

5. Topic: Pharmacist Prescribing COVID Tests and COVID Therapeutics Ending (Jan. 1, 2025)

- Federal flexibility: During the PHE, the PREP Act allowed pharmacists to prescribe COVID tests and COVID therapeutics until Dec. 31, 2024.
- Post PHE policy: Pharmacists must stop prescribing COVID tests or COVID therapeutics on Jan. 1, 2025. No state law allows pharmacists to prescribe COVID tests or COVID therapeutics.
- HHSC action: VDP will ensure system edits are in place and effective by Jan. 1, 2025.
 - MCO action: MCOs must ensure they and their PBMs comply with this policy by Jan. 1, 2025. MCOs must implement system changes and policies to prevent claims for COVID tests or COVID therapeutics prescribed by a pharmacist.

6. Topic: Pharmacists Delegating their Authority to Pharmacy Technicians Ending (Jan. 1, 2025)

- Federal flexibility: During the PHE, the PREP Act allows pharmacists to delegate authority to pharmacy technicians until Dec. 31, 2024.
- Post PHE policy: Pharmacists must stop delegating their authority to pharmacy technicians on Jan. 1, 2025.
 - HHSC action: VDP will ensure system edits are in place and effective by Jan. 1, 2025.
 - MCO action: MCOs must ensure they and their PBMs comply with this policy by Jan. 1, 2025. MCOs must implement system changes and policies to prevent claims for COVID tests or COVID therapeutics prescribed by a pharmacy technician.