

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: February 21st, 2017
TIME: 11:00AM
LOCATION: Multipurpose room, Rhodes Tower
30 E Broad St., Columbus, Ohio 43215

Pursuant to section 5164.02 and Chapter 119 of the Ohio Revised Code, the director of the Ohio Department of Medicaid gives notice of the department's intent to consider the adoption of the rule as identified below and of a public hearing thereon.

Rule 5160-1-17.11, entitled Requirements for 340B Covered Entities, is being proposed for adoption to implement Medicaid policy related to the 340B drug pricing program enacted under the Veteran's Health Care Act of 1992. This rule sets forth ODM's status reporting requirements and process for Ohio Medicaid providers who participate in the 340B drug pricing program. This includes clearly identifying provider, sub-entity, and contract facility participation in the 340B drug pricing program. This rule requires participating providers to file claims in accordance with ODM's 340B instructions to clearly identify when drugs acquired through the 340B drug pricing program are provided to a Medicaid recipient. This rule requires participating providers to file claims in accordance with ODM's non-340B instructions when a provider uses a drug that is not acquired through the 340B drug pricing program for a Medicaid recipient. This rule requires 340B covered entities to exclude drugs purchased through the 340B drug pricing program from being billed by 340B contract pharmacies. Drugs purchased through the 340B drug pricing program can only be billed by 340B covered entities. A 340B covered entity is responsible for ensuring that the contract pharmacy does not bill for drugs purchased under the 340B drug pricing program. This rule implements a program integrity measure to ensure duplicate discounts are not provided under the 340B drug pricing program and the Medicaid Drug Rebate Program.

A copy of the proposed rule is available, without charge, to any person affected by the rule at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule will be held at the date, time, and location listed at the top of this notice. Both written and oral testimony will be taken at the public hearing. Written testimony submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule and testimony on the rule should be submitted by mail to the Ohio Department of Medicaid Rule Administrator, Office of Chief Legal Counsel, 50 W. Town St., Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov. Testimony received may be reviewed at this address.