

Title 13--DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20--Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.030 Drugs Covered by the MO HealthNet [Pharmacy Program] Division. The Department of Social Services is amending the title, section (1), and removing section (2).

PURPOSE: This purpose is to simplify existing language and remove duplicative language.

(1) Drugs covered under the MO HealthNet [Pharmacy Program] **Division** must meet the definition of a **prescribed drug as defined in 42 CFR 440.120(a), as amended, or a covered outpatient drug as defined in the Social Security Act, section 1927(k)(2) and section 1927(k)(4/3)], as amended.**

[(2) Participating Manufacturers—The MO HealthNet Division identifies those manufacturers who have entered into a rebate agreement according to the Social Security Act, section 1927(a)(1), as amended. All products marketed by participating manufacturers are reimbursable, with the following exceptions: those products identified as Drug Efficacy Study Implementation (DESI) drugs by the federal Food and Drug Administration (FDA); products considered by the federal FDA to be similar, identical or related to a DESI product; products identified in 13 CSR 70-20.031; and products not meeting the definition of drug in sections 505, 506, and 507 of the federal Food, Drug and Cosmetic Act.]

AUTHORITY: sections 208.152, 208.153, 208.201, and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.010. Original rule filed Jan. 21, 1964, effective Jan. 31, 1964. Amended: Filed March 30, 1964, effective April 10, 1964. Amended: Filed April 27, 1965, effective May 7, 1965. Amended: Filed Dec. 7, 1966, effective Dec. 17, 1966. Amended: Filed Oct. 11, 1967, effective Oct. 21, 1967. Amended: Filed Oct. 19, 1967, effective Oct. 29, 1967. Amended: Filed Jan. 22, 1968, effective Feb. 2, 1968. Amended: Filed Aug. 24, 1968, effective Sept. 4, 1968. Amended: Filed April 16, 1970, effective April 26, 1970. Amended: Filed Feb. 16, 1971, effective Feb. 26, 1971. Amended: Filed Jan. 3, 1973, effective Jan. 13, 1973. Amended: Filed Feb. 6, 1975, effective Feb. 16, 1975. Amended: Filed March 9, 1977, effective June 11, 1977. Amended: Filed June 13, 1977, effective Oct. 1, 1977. Amended: Filed March 13, 1978, effective June 11, 1978. Amended: Filed Feb. 1, 1979, effective May 11, 1979. Emergency amendment filed July 26, 1979, effective Aug. 1, 1979, expired Oct. 10, 1979. Amended: Filed July 16, 1979, effective Oct. 11, 1979. Emergency amendment filed Aug. 11, 1981, effective Aug. 21, 1981, expired Nov. 11, 1981. Amended: Filed Aug. 11, 1981, effective Nov. 12, 1981. Emergency amendment filed Dec. 21, 1981, effective Jan. 1, 1982, expired April 10, 1982. Emergency amendment filed Jan. 21, 1982, effective Feb. 1, 1982, expired April 10, 1982. Amended: Filed Dec. 21, 1981, effective April 11, 1982. Emergency amendment filed July 22, 1982, effective Aug. 1, 1982, expired Nov. 10, 1982. Amended: Filed July 22, 1982, effective Nov. 11, 1982. Emergency amendment filed Sept. 30, 1982, effective Oct. 10, 1982, expired Jan. 28, 1983. Amended: Filed Jan. 14, 1983, effective May 12, 1983. Amended: Filed July 13, 1983, effective Oct. 13, 1983. Emergency amendment filed Dec. 21, 1983, effective Jan. 1, 1984, expired March 30, 1984. Emergency amendment filed March 21, 1984, effective March 31, 1984, expired July 11, 1984. Amended: Filed March 21, 1984, effective*

July 12, 1984. Emergency amendment filed April 20, 1984, effective May 1, 1984, expired July 11, 1984. Amended: Filed June 13, 1984, effective Sept. 14, 1984. Amended: Filed Sept. 12, 1984, effective Jan. 12, 1985. Amended: Filed Jan. 15, 1985, effective April 11, 1985. Amended: Filed April 16, 1985, effective July 11, 1985. Amended: Filed Oct. 2, 1985, effective Jan. 1, 1986. Amended: Filed April 16, 1986, effective July 1, 1986. Amended: Filed Sept. 17, 1986, effective Dec. 1, 1986. Amended: Filed Nov. 14, 1986, effective Feb. 12, 1987. Emergency amendment filed Dec. 18, 1986, effective Jan. 1, 1987, expired Feb. 11, 1987. Amended: Filed Feb. 18, 1987, effective May 1, 1987. Amended: Filed April 17, 1987, effective July 1, 1987. Amended: Filed June 16, 1987, effective Sept. 1, 1987. Amended: Filed Aug. 18, 1987, effective Nov. 12, 1987. Amended: Filed Dec. 1, 1987, effective Feb. 11, 1988. Amended: Filed April 4, 1988, effective July 1, 1988. Amended: Filed July 15, 1988, effective Oct. 13, 1988. Amended: Filed Sept. 15, 1988, effective Dec. 11, 1988. Amended: Filed April 4, 1989, effective July 1, 1989. Amended: Filed June 6, 1989, effective Sept. 1, 1989. Amended: Filed June 30, 1989, effective Oct. 1, 1989. Amended: Filed Nov. 15, 1989, effective Feb. 1, 1990. Amended: Filed Feb. 16, 1990, effective May 1, 1990. Amended: April 18, 1990, effective June 30, 1990. Amended: Filed Aug. 10, 1990, effective Dec. 31, 1990. Emergency amendment filed Dec. 21, 1990, effective Jan. 1, 1991, expired April 30, 1991. Emergency rescission and rule filed March 21, 1991, effective March 31, 1991, expired July 28, 1991. Emergency rescission filed April 2, 1991, effective April 12, 1991, expired Aug. 9, 1991. Emergency rule filed April 2, 1991, effective April 13, 1991, expired Aug. 10, 1991. Emergency amendment filed June 21, 1991, effective July 1, 1991, expired Aug. 10, 1991. Emergency rescission filed July 31, 1991, effective Aug. 11, 1991, expired Dec. 6, 1991. Rescinded: Filed March 21, 1991, effective Sept. 30, 1991. Emergency rule filed July 31, 1991, effective Aug. 11, 1991, expired Dec. 7, 1991. Readopted: Filed July 15, 1991, effective Jan. 13, 1992. Emergency amendment filed Sept. 23, 1991, effective Oct. 3, 1991, expired Dec. 7, 1991. Emergency rule filed Nov. 27, 1991, effective Dec. 8, 1991, expired April 5, 1992. Emergency amendment filed March 24, 1992, effective April 1, 1992, expired July 29, 1992. Emergency amendment filed June 16, 1992, effective July 1, 1992, expired Oct. 28, 1992. Amended: Filed March 24, 1992, effective Sept. 6, 1992. Emergency amendment filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency amendment filed Jan. 15, 1993, effective Jan. 29, 1993, expired May 28, 1993. Amended: Filed June 16, 1992, effective April 8, 1993. Emergency amendment filed March 19, 1993, effective April 1, 1993, expired July 29, 1993. Emergency amendment filed June 18, 1993, effective July 1, 1993, expired Oct. 28, 1993. Amended: Filed April 6, 1993, effective Dec. 9, 1993. Rescinded and readopted: Filed Oct. 15, 1993, effective June 6, 1994. Amended: Filed June 29, 2000, effective Dec. 30, 2000. Amended: Filed Aug. 28, 2018, effective April 30, 2019. *Original authority: 208.152, RSMo 1967, amended 1969, 1971, 1972, 1973, 1975, 1977, 1978, 1981, 1986, 1988, 1990, 1992, 1993, 2004, 2005, 2007, 2011, 2013, 2014, 2015, 2016, 2018; 208.153, RSMo 1967, amended 1973, 1989, 1990, 1991, 2007, 2012; 208.201, RSMo 1987, amended 2007; and 660.017, RSMo 1993, amended 1995. Amended: Filed August 16, 2024.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*