24103004D 1 **SENATE BILL NO. 311** 2 Offered January 10, 2024 3 Prefiled January 9, 2024 4 A BILL to amend and reenact § 32.1-325 of the Code of Virginia, relating to state plan for medical 5 assistance services; violence prevention services benefit; work group. 6 Patrons-Boysko, Favola and Salim; Delegate: Shin 7 8 Referred to Committee on Rules 9 10 Be it enacted by the General Assembly of Virginia: 1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows: 11 § 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and 12 Human Services pursuant to federal law; administration of plan; contracts with health care 13 14 providers. 15 A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to 16 time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. 17 18 The Board shall include in such plan: 19 1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, 20 placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing 21 agencies by the Department of Social Services or placed through state and local subsidized adoptions to 22 the extent permitted under federal statute; 2. A provision for determining eligibility for benefits for medically needy individuals which 23 24 disregards from countable resources an amount not in excess of \$3,500 for the individual and an amount 25 not in excess of \$3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value 26 27 of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender 28 value of such policies has been excluded from countable resources and (ii) the amount of any other 29 revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of 30 meeting the individual's or his spouse's burial expenses; 31 3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the 32 33 budget methodology for Aid to Families with Dependent Children, a home means the house and lot used 34 as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the 35 36 37 definition of home as provided here is more restrictive than that provided in the state plan for medical 38 assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and 39 lot used as the principal residence and all contiguous property essential to the operation of the home 40 regardless of value; 41 4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per 42 43 admission: 44 5. A provision for deducting from an institutionalized recipient's income an amount for the 45 maintenance of the individual's spouse at home; 46 6. A provision for payment of medical assistance on behalf of pregnant women which provides for 47 payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American 48 49 Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and 50 Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the 51 52 children which are within the time periods recommended by the attending physicians in accordance with 53 and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines 54 55 or Standards or any official amendment thereto; 7. A provision for the payment for family planning services on behalf of women who were 56 Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such 57 58 family planning services shall begin with delivery and continue for a period of 24 months, if the woman

2/8/24 13:4

SB311

59 continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the 60 purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions; 61

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow 62 63 transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast 64 cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a 65 performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process; 66

9. A provision identifying entities approved by the Board to receive applications and to determine 67 68 eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate 69 contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant 70 71 for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et 72 seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance 73 directives and how the applicant may make an advance directive;

74 10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been 75 76 obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic; 77

11. A provision for payment of medical assistance for annual pap smears;

78 12. A provision for payment of medical assistance services for prostheses following the medically 79 necessary complete or partial removal of a breast for any medical reason;

80 13. A provision for payment of medical assistance which provides for payment for 48 hours of 81 inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of 82 inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for 83 treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring 84 the provision of inpatient coverage where the attending physician in consultation with the patient 85 determines that a shorter period of hospital stay is appropriate;

86 14. A requirement that certificates of medical necessity for durable medical equipment and any 87 supporting verifiable documentation shall be signed, dated, and returned by the physician, physician 88 assistant, or advanced practice registered nurse and in the durable medical equipment provider's 89 possession within 60 days from the time the ordered durable medical equipment and supplies are first 90 furnished by the durable medical equipment provider;

91 15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons 92 age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal 93 examinations, all in accordance with American Cancer Society guidelines. For the purpose of this 94 subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate 95 96 specific antigen;

97 16. A provision for payment of medical assistance for low-dose screening mammograms for 98 determining the presence of occult breast cancer. Such coverage shall make available one screening 99 mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 100 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an 101 X-ray examination of the breast using equipment dedicated specifically for mammography, including but 102 not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average 103 radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers 104 105 for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid 106 107 program and may be provided by school divisions, regardless of whether the student receiving care has 108 an individualized education program or whether the health care service is included in a student's 109 individualized education program. Such services shall include those covered under the state plan for 110 medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) 111 benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as 112 113 defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for 114 115 providing telemedicine services;

116 18. A provision for payment of medical assistance services for liver, heart and lung transplantation 117 procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or 118 surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be 119 120 medically effective and not experimental or investigational; (iii) prior authorization by the Department of

SB311

121 Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific 122 transplant center where the surgery is proposed to be performed have been used by the transplant team 123 or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy 124 has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is 125 not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and 126 restore a range of physical and social functioning in the activities of daily living;

127 19. A provision for payment of medical assistance for colorectal cancer screening, specifically 128 screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in 129 appropriate circumstances radiologic imaging, in accordance with the most recently published 130 recommendations established by the American College of Gastroenterology, in consultation with the 131 American Cancer Society, for the ages, family histories, and frequencies referenced in such 132 recommendations;

133 20. A provision for payment of medical assistance for custom ocular prostheses;

134 21. A provision for payment for medical assistance for infant hearing screenings and all necessary 135 audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the 136 United States Food and Drug Administration, and as recommended by the national Joint Committee on 137 Infant Hearing in its most current position statement addressing early hearing detection and intervention 138 programs. Such provision shall include payment for medical assistance for follow-up audiological 139 examinations as recommended by a physician, physician assistant, advanced practice registered nurse, or 140 audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

141 22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer 142 Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer 143 when such women (i) have been screened for breast or cervical cancer under the Centers for Disease 144 Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under 145 Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including 146 treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under 147 creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise 148 eligible for medical assistance services under any mandatory categorically needy eligibility group; and 149 (v) have not attained age 65. This provision shall include an expedited eligibility determination for such 150 women;

151 23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and
152 services delivery, of medical assistance services provided to medically indigent children pursuant to this
153 chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the
154 FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for
155 both programs;

156 24. A provision, when authorized by and in compliance with federal law, to establish a public-private 157 long-term care partnership program between the Commonwealth of Virginia and private insurance 158 companies that shall be established through the filing of an amendment to the state plan for medical 159 assistance services by the Department of Medical Assistance Services. The purpose of the program shall 160 be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for 161 such services through encouraging the purchase of private long-term care insurance policies that have 162 been designated as qualified state long-term care insurance partnerships and may be used as the first 163 source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with 164 165 federal law and applicable federal guidelines;

166 25. A provision for the payment of medical assistance for otherwise eligible pregnant women during
167 the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health
168 Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

169 26. A provision for the payment of medical assistance for medically necessary health care services 170 provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or 171 whether the patient is accompanied by a health care provider at the time such services are provided. No 172 health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, a health care provider duly licensed by the Commonwealth who
provides health care services exclusively through telemedicine services shall not be required to maintain
a physical presence in the Commonwealth to be considered an eligible provider for enrollment as a
Medicaid provider.

178 For the purposes of this subdivision, a telemedicine services provider group with health care179 providers duly licensed by the Commonwealth shall not be required to have an in-state service address180 to be eligible to enroll as a Medicaid vendor or Medicaid provider group.

181 For the purposes of this subdivision, "originating site" means any location where the patient is

182 located, including any medical care facility or office of a health care provider, the home of the patient,
183 the patient's place of employment, or any public or private primary or secondary school or
184 postsecondary institution of higher education at which the person to whom telemedicine services are
185 provided is located;

186 27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 187 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the 188 Department shall not impose any utilization controls or other forms of medical management limiting the 189 supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 190 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, 191 dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) 192 exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of 193 practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal 194 contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, 195 including medications containing estrogen or progesterone, that is self-administered, requires a 196 prescription, and is approved by the U.S. Food and Drug Administration for such purpose;

197 28. A provision for payment of medical assistance for remote patient monitoring services provided 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically 198 via telemedicine, as defined in § 199 complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up 200 to three months following the date of such surgery; and (v) patients with a chronic or acute health 201 condition who have had two or more hospitalizations or emergency department visits related to such 202 health condition in the previous 12 months when there is evidence that the use of remote patient 203 monitoring is likely to prevent readmission of such patient to a hospital or emergency department. For the purposes of this subdivision, "remote patient monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and 204 205 206 electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient 207 208 monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, 209 pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and 210 interactive videoconferencing with or without digital image upload;

211 29. A provision for the payment of medical assistance for provider-to-provider consultations that is
212 no more restrictive than, and is at least equal in amount, duration, and scope to, that available through
213 the fee-for-service program;

30. A provision for payment of the originating site fee to emergency medical services agencies for facilitating synchronous telehealth visits with a distant site provider delivered to a Medicaid member. As used in this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

31. A provision for the payment of medical assistance for targeted case management services for
 individuals with severe traumatic brain injury; and

222 32. A provision for payment of medical assistance for the initial purchase or replacement of complex 223 rehabilitative technology manual and power wheelchair bases and related accessories, as defined by the 224 Department's durable medical equipment program policy, for patients who reside in nursing facilities. 225 Initial purchase or replacement may be contingent upon (i) determination of medical necessity; (ii) requirements in accordance with regulations established through the Department's durable medical 226 227 equipment program policy; and (iii) exclusive use by the nursing facility resident. Recipients of medical 228 assistance shall not be required to pay any deductible, coinsurance, copayment, or patient costs related to 229 the initial purchase or replacement of complex rehabilitative technology manual and power wheelchair 230 bases and related accessories; and

231 33. A provision for the payment of medical assistance for violence prevention services provided by a 232 qualified violence prevention professional to an individual who receives medical treatment for an injury 233 sustained as a result of community violence who is determined by a health care provider to be at risk of 234 repeat injury or retaliation. The Virginia Certification Board shall recognize violence prevention 235 professionals, as defined by the National Uniform Claim Committee taxonomy code 405300000X, as 236 eligible providers for reimbursement for violence prevention services and shall approve at least one 237 governmental or nongovernmental accrediting body with expertise in violence prevention services for 238 training and certifying violence prevention professionals. As used in this subdivision, "community 239 violence" means physical violence that happens between unrelated individuals, who may or may not 240 know each other, generally outside the home, including assaults or fights among groups and shootings in public places. As used in this subdivision, "violence prevention services" means evidence-based, 241 242 trauma-informed, and culturally responsive preventive services provided to reduce the incidence of violent injury or reinjury, trauma, and related harms and to promote trauma recovery, stabilization, and 243

SB311

244 improved health outcomes. 245

B. In preparing the plan, the Board shall:

246 1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided 247 and that the health, safety, security, rights and welfare of patients are ensured.

248 2. Initiate such cost containment or other measures as are set forth in the appropriation act.

249 3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the 250 provisions of this chapter.

251 4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations 252 pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social 253 services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact 254 analysis with local boards of social services prior to submission to the Registrar. The fiscal impact 255 analysis shall include the projected costs/savings to the local boards of social services to implement or 256 comply with such regulation and, where applicable, sources of potential funds to implement or comply 257 with such regulation.

258 5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in 259 accordance with 42 C.F.R. § 488.400 et seq., Enforcement of Compliance for Long-Term Care Facilities 260 With Deficiencies.

261 6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or 262 other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each 263 recipient of medical assistance services, and shall upon any changes in the required data elements set 264 forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective 265 information as may be required to electronically process a prescription claim.

266 C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for 267 medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, 268 regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States 269 270 Social Security Act or other relevant federal law and their implementing regulations or constructions of 271 these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health 272 and Human Services.

273 In the event conforming amendments to the state plan for medical assistance services are adopted, the 274 Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 275 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the 276 Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or 277 regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the 278 regulations are necessitated by an emergency situation. Any such amendments that are in conflict with 279 the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular 280 session of the General Assembly unless enacted into law.

281 D. The Director of Medical Assistance Services is authorized to:

282 1. Administer such state plan and receive and expend federal funds therefor in accordance with 283 applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to 284 the performance of the Department's duties and the execution of its powers as provided by law.

285 2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other 286 health care providers where necessary to carry out the provisions of such state plan. Any such agreement 287 or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is 288 reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new 289 agreement or contract. Such provider may also apply to the Director for reconsideration of the 290 agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

291 3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement 292 or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or 293 pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider 294 as required by 42 C.F.R. § 1002.212.

295 4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement 296 or contract, with a provider who is or has been a principal in a professional or other corporation when 297 such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 298 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal 299 program pursuant to 42 C.F.R. Part 1002.

300 5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection 301 E of § 32.1-162.13.

302 For the purposes of this subsection, "provider" may refer to an individual or an entity.

303 E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. 304

305 § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative 306 Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of

307 the date of receipt of the notice.

308 The Director may consider aggravating and mitigating factors including the nature and extent of any 309 adverse impact the agreement or contract denial or termination may have on the medical care provided 310 to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to 311 subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant 312 313 to 42 C.F.R. § 1002.215.

314 F. When the services provided for by such plan are services which a marriage and family therapist, 315 clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed 316 to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, 317 duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or 318 licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations 319 which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical 320 321 social workers, licensed professional counselors and licensed clinical nurse specialists at rates based 322 upon reasonable criteria, including the professional credentials required for licensure.

323 G. The Board shall prepare and submit to the Secretary of the United States Department of Health 324 and Human Services such amendments to the state plan for medical assistance services as may be 325 permitted by federal law to establish a program of family assistance whereby children over the age of 18 326 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of 327 providing medical assistance under the plan to their parents. 328

H. The Department of Medical Assistance Services shall:

329 1. Include in its provider networks and all of its health maintenance organization contracts a 330 provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have 331 special needs and who are Medicaid eligible, including individuals who have been victims of child abuse 332 and neglect, for medically necessary assessment and treatment services, when such services are delivered 333 by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a 334 provider with comparable expertise, as determined by the Director.

335 2. Amend the Medallion II waiver and its implementing regulations to develop and implement an 336 exception, with procedural requirements, to mandatory enrollment for certain children between birth and 337 age three certified by the Department of Behavioral Health and Developmental Services as eligible for 338 services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

339 3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the 340 341 Family Access to Medical Insurance Security Plan established under § 32.1-351.

342 4. Require any managed care organization with which the Department enters into an agreement for 343 the provision of medical assistance services to include in any contract between the managed care 344 organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or 345 a representative of the pharmacy benefits manager from conducting spread pricing with regards to the 346 managed care organization's managed care plans. For the purposes of this subdivision:

347 "Pharmacy benefits management" means the administration or management of prescription drug 348 benefits provided by a managed care organization for the benefit of covered individuals. 349

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits 350 351 manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly 352 353 pays the pharmacist or pharmacy for pharmacist services.

354 I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible 355 recipients with special needs. The Board shall promulgate regulations regarding these special needs 356 patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special 357 needs as defined by the Board.

358 J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public 359 Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by 360 subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law 361 and regulation.

362 K. When the services provided for by such plan are services by a pharmacist, pharmacy technician, or pharmacy intern (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 363 364 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1, the Department shall provide 365 reimbursement for such service. 366

SB311

2. That the Department of Medical Assistance Services (the Department) shall convene a work 367 368 group to advise the Board of Medical Assistance Services on the design and implementation of the 369 violence prevention services benefit pursuant to § 32.1-325 of the Code of Virginia, as amended by 370 this act. The work group shall include representatives from the Department and violence 371 intervention programs, medical providers, survivors of community violence, representatives from 372 Medicaid managed care organizations, and other members as deemed appropriate by the 373 Department. The Department shall post on its website the date upon which violence prevention 374 services may be provided and billed pursuant to § 32.1-325 of the Code of Virginia, as amended 375 by this act.