SOS APA Form 001

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME	CONTACT PERSON	TELEPHONE NUMBER	
Division of Medicaid	Margaret Wilson	601-359-5248	
ADDRESS	**CITY**	**STATE**	**ZIP**
550 High Street, Suite 1000	Jackson	MS	39201

EMAIL	SUBMIT DATE	Name or number of rule(s):
Margaret.Wilson@medicaid.ms.gov	MAR 0 2 2016	Title 23: Medicaid, Part 203: Physician Services, Chapter 2: Physician-Administered Drugs and Implantable Drug System Devices, Rules 2.1: Covered Services, 2.3: Botulinum Toxins A and B, 2.4: Xolair, 2.5: Hyaluronate Joint Injection and 2.6: 17 Alpha-Hydroxyprogesterone Caproate Injections (17-P) and Chapter 4: Surgery, Rules 4.13: Implantable Testosterone Pellets (Testopel) and Rule 4.14: Insertion of Retisert (Fluocinolone Acetonide Intravitreal Implant)

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This administrative code filing removes the specific coverage requirements of the physician-administered drugs and implantable drug system devices in Miss. Admin. Code Part 203: Physician Services, Chapter 2: Physician-Administered Drugs, Rules 2.3, 2.4, 2.5, and 2.6 and Chapter 4: Surgery, Rules 4.13 and 4.14 but adds language to refer to the universal rule for physician-administered drugs and implantable drug system devices. This filing also adds Miss. Admin. Code Part 203, Rule 2.1.A.5.
Specific legal authority authorizing the promulgation of rule: 42 USC § 1396r-8; Miss. Code Ann. § 43-13-121.
List all rules repealed, amended, or suspended by the proposed rule: 2.1, 2.3, 2.4, 2.5, 2.6, 4.13, and 4.14

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing	**Action proposed:**	**Date Proposed Rule Filed:** _____
_____ Renewal of effectiveness	_____ New rule(s)	**Action taken:**
To be in effect in _____ days	_X_ Amendment to existing rule(s)	_____ Adopted with no changes in text
Effective date:	_____ Repeal of existing rule(s)	_____ Adopted with changes
_____ Immediately upon filing	_____ Adoption by reference	_____ Adopted by reference
_____ Other (specify): _____	**Proposed final effective date:**	_____ Withdrawn
	_____ 30 days after filing	_____ Repeal adopted as proposed
	_X_ Other (specify): MAY 0 1 2016	**Effective date:**
		_____ 30 days after filing
		_____ Other (specify): _____

Printed name and Title of person authorized to file rules: David J. Dzielak, Ph.D., Executive Director

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED MAR 0 2 2016 MISSISSIPPI SECRETARY OF STATE	
Accepted for filing by	**Accepted for filing by** #21812	**Accepted for filing by**

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

SOS APA Form 002
Rev. 6/12

DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME	CONTACT PERSON		TELEPHONE NUMBER
Division of Medicaid	Margaret Wilson		601-359-5248
ADDRESS	CITY	STATE	ZIP
550 High Street, Suite 1000	Jackson	MS	39201
EMAIL	DESCRIPTIVE TITLE OF PROPOSED RULE		
Margaret.Wilson@medicaid.ms.gov	Title 23: Medicaid, Part 203: Physician Services, Chapter 2: Physician-Administered Drugs and Implantable Drug System Devices, Rules 2.1: Covered Services, 2.3: Botulinum Toxins A and B, 2.4: Xolair, 2.5: Hyaluronate Joint Injection and 2.6: 17 Alpha-Hydroxyprogesterone Caproate Injections (17-P) and Chapter 4: Surgery, Rules 4.13: Implantable Testosterone Pellets (Testopel) and Rule 4.14: Insertion of Retisert (Fluocinolone Acetonide Intravitreal Implant)		

Specific Legal Authority Authorizing the promulgation of Rule:	Reference to Rules repealed, amended or suspended by the Proposed Rule:
42 USC § 1396r-8; Miss. Code Ann. § 43-13-121.	2.1, 2.3, 2.4, 2.5, 2.6, 4.13, and 4.14

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: *There is no estimated economic impact associated with this filing.*

2. Briefly describe the need for the proposed rule: *N/A*

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare: *N/A*

4. Estimated Cost of implementing proposed action: *N/A*
   a. To the agency
      ☐ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
   b. To other state or local government entities
      ☐ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule: *N/A*
   c. Cost:
      ☐ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
   d. Economic Benefit:
      ☐ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses: *N/A*
   ☐ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

   a. Estimate of the number of small businesses subject to the proposed regulation:
   b. Projected costs for small businesses to comply:
   c. Statement of probable effect on impacted small businesses:

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option): *N/A*

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option): *N/A*

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule? *N/A*

☐ yes ☐ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.) *N/A*

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. *N/A*

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? *Written comments will be received by the Division of Medicaid, Office of the Governor, Office of Policy, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, Mississippi 39201, or Margaret.Wilson@medicaid.ms.gov. Comments will be available for public review at the above address and on the Division of Medicaid's website at www.medicaid.ms.gov.*

SIGNATURE	TITLE Executive Director
DATE 3-2-16	PROPOSED EFFECTIVE DATE OF RULE MAY 01 2016