

September 30, 2024

By Email To: gc.clerk@wca.nm.gov
Michael Holt, General Counsel
New Mexico Workers' Compensation Administration
2410 Centre Ave SE,
Albuquerque, NM 87106

RE: Comments - Part 7: Payments for Health Care Services

Dear Mr. Holt,

Please accept the following comments from Healthsystems regarding Part 7: Payments for Health Care Services. Healthsystems is a pharmacy and ancillary benefit manager servicing large national carriers, regional insurers, self-insureds, state insurance funds, and third-party administrators. Our comments will focus on physician dispensing and durable medical equipment.

Physician Dispensed Medications

We support the Administration's policy limiting physician dispensed medications to a one-time fill. While convenient for some, physician dispensing raises concerns about patient safety, quality of care, and cost. Healthsystems is committed to ensuring injured workers receive medications promptly, but we also value the vital role of pharmacist in patient care. Although we agree the rule on physician dispensing needs clarification, we find the proposed language is rather complex.

We recommend the following clarification to ensure effective implementation of the rule:

11.4.7.9.D Prescription medicine

(6) Health care provider dispensed medications shall not exceed a 14-day supply for any new prescription. Subsequent refills for the same prescription must be filled by a licensed pharmacy. Reimbursement for renewal prescriptions dispensed by a health care provider is disallowed absent pre-authorization by the payer. The payment for health care provider dispensed medications shall not exceed the cost of a generic equivalent. Health care providers who dispense medications shall not receive a dispense fee.

This revision clarifies that provider-dispensed medications are limited to a one-time 14-day supply, while directing refills or renewals must be filled by a licensed pharmacy, unless pre-authorization is obtained from the payer. We also recommend adding that physicians who dispense medications will not receive a dispense fee, to align with the Health Care Provider Fee Schedule and Billing Instructions.

Durable Medical Equipment

Durable Medical Equipment (DME) is essential for injured workers' recovery, aiding mobility and managing injuries. However, automatic billing for unused supplies has become a growing issue in many states, leading to unnecessary costs to the system and injured workers left not knowing what to do with the excessive supplies in their home. To address this, we urge the Administration to prohibit auto-shipment of DME and related supplies. We recommend the following amendment:

11.4.7.8.B Authorization for treatment and services

(4) Pre-authorization is required prior to scheduling or performing any of the following services: (a) independent medical examinations; (b) physical impairment ratings; (c) functional capacities evaluations; (d) physical therapy; (e) caregiver services; and (f) durable medical equipment (DME)

(5) Pre-authorization, as outlined in (a) through (f) above, must be obtained by the HCP before services or equipment are provided or the payer will not be held liable for the payment of the service or equipment provided.

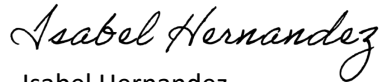
(6) If an authorization, a pre-authorization or a denial is not received by the provider by the deadlines set forth in this rule, the requested service or treatment will be deemed authorized. The provider and the payer shall document all attempts to obtain authorization from the date of the initial request.

(7) The auto-shipping of monthly DME supplies is not allowed. An affirmative request by the injured worker or prescribing provider is required.

Our goal with these modifications is to reduce unnecessary shipping of supplies while ensuring injured workers can still have access to supplies when needed.

Healthsystems appreciates the Administration's commitment stakeholder input, and we thank you for considering our recommendations. Please don't hesitate to reach out if you need any further information.

Sincerely,



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