



November 7, 2024

Michael Holt, General Counsel
New Mexico Workers' Compensation Administration
2410 Centre Avenue S.E.
Albuquerque, NM 87106

Via email: gc.clerk@wca.nm.gov

RE: OWCA Feedback – Title 11, Chapter 4, Part 7 Payments for Health Care Services

Optum Workers' Compensation and Auto No-fault (OWCA) appreciates the opportunity to request clarification and to provide feedback to the New Mexico Workers' Compensation Administration to the proposed changes to Title 11, Chapter 4, Part 7 of the New Mexico Administrative Code.

Points of Clarification

Under subsection D(6) of the proposed changes page seven, We have the following questions and seek clarification from the Division:

1. Health care provider dispensed medicines:
 - o While we believe language D(6) applies only to dispensing physician providers, we remain concerned that in the definitions, specifically (P) a "health care provider" could include a pharmacist as cited in statute. We request the WCA to clarify any possible misinterpretation of D(6)
 - o Does the 14-day supply limitation apply to the claim or the individual dispensing health care provider?
2. Supply Limit:
 - o Does the 14-day supply limit apply per medication, or can a physician dispense multiple medications which are limited to a 14-day supply?
 - o Is there a limit to the 14-day supply of a medication at different strength levels or dosage?
3. Renewal Prescription:
 - o Regarding Prior Authorization (PA), does PA for medication renewal limit continued usage for only 14 days-supply or can the payer approval exceed 14 days-supply?
 - o Does the renewal of the medication have a time frame? (e.g., within 30-days or injury)

Suggested Changes

In review of the proposed changes, we believe the usage of the word "renewal" in the language is vague and adoption of this language could lead to unintended consequences. Our concern is that "renewal" may permit the dispensing physician greater latitude to continue treatment in an ongoing loop. Thus, we respectfully suggest the follow change in the proposed language.

Added language appears as underlined removed language appears as ~~strikethrough~~.

Health care provider dispensed medications shall not exceed . . . reimbursement for any renewal or any refill prescription(s) for a health care . . .

Conclusion

Thank you for your office's review of our clarification questions and consideration of our suggested changes. We look forward to working with the Division on this and other policy developments in the future. Please let us know if you have any questions or require any additional information related to our comments.

Sincerely,

Monica Rice

Manager, Public Policy & Regulatory Affairs

Optum Workers' Compensation and Auto No-Fault

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