



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene  
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

**MARYLAND MEDICAL ASSISTANCE PROGRAM**  
**MCO Program Transmittal No. 96**  
**December 2, 2013**

TO: Managed Care Organizations

FROM: *Susan J. Tucker*  
Susan J. Tucker, Executive Director  
Office of Health Services

RE: Coverage of Smoking Cessation Products and Contraceptives

**NOTE: Please ensure that appropriate staff members in your organization are informed of the contents of this transmittal**

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The purpose of this transmittal is to inform MCOs of a new policy regarding coverage of prescription and over the counter (OTC) smoking cessation products. In response to a recent FDA ruling, the Department is also requiring MCOs to provide OTC emergency contraceptives without a prescription. Please make these changes to your formularies effective 1/1/2014.

**Smoking Cessation Products, including over the counter products**

The Affordable Care Act requires Medicaid to cover all smoking cessation products. CMS has interpreted this to mean that MCOs must cover all dosage forms of smoking cessation products, such as patches, chewing gum, lozenges, inhalers and nasal sprays, including those that are OTC. This ruling does not prohibit MCOs from limiting their formularies or implementing preauthorization requirements for these products. MCOs may also impose quantity limits and require that the member present a prescription to obtain OTC smoking cessation products from an in-network pharmacy.

**Contraceptives and Emergency Contraceptives**

MCOs are required to cover all FDA approved contraceptives as per COMAR 10.09.67.19. This means that if there is no generic equivalent then the MCO must cover the brand drug. For example, Ortho Evra must be covered because there is no generic equivalent. This also means that MCOs must cover all OTC emergency contraceptives. As per FDA guidelines, OTC emergency contraceptives shall be made available to women of all ages **without a prescription**. MCOs may limit their formularies, implement preauthorization requirements, and impose quantity limits on contraceptives. (Medicaid fee-for service allows six packs of oral contraceptives to be dispensed at one time.) Co-pays for contraceptives are prohibited.

Please submit any questions about this transmittal to: [dhmh.medicaidtransmittal@maryland.gov](mailto:dhmh.medicaidtransmittal@maryland.gov)