



Rhode Island Executive Office of Health and Human Services
3 West Road | Virks Building | Cranston, RI 02920

Date: January 25, 2022

To: Nancy Hermiz, Neighborhood Health Plan of Rhode Island
Julienne Stenberg, Neighborhood Health Plan of Rhode Island
Mark Cooper, Neighborhood Health Plan of Rhode Island
Michael Florczyk, United HealthCare Community Plan
Matthew Padelli, United HealthCare Community Plan
Domenic Delmonico, Tufts Health Public Plans
Alice Msumba, Tufts Health Public Plans

From: Mark Kraics, Acting Deputy Medicaid Director, Managed Care & Oversight, EOHHS

Cc: Womazetta Jones, Secretary, EOHHS
Ana Novais, Assistant Secretary, EOHHS
Kristin Sousa, Acting Medicaid Program Director, EOHHS
Katie Alijewicz, Deputy Medicaid Director, EOHHS
Nicole Nelson, System and Program Integrity Director, EOHHS

Re: Coverage of Over-the-Counter COVID-19 Tests (OTC COVID-19 Tests) – Pharmacy Benefit

Dear Rhode Island Medicaid Managed Care Organizations (MCOs):

The purpose of this memo is to clarify Rhode Island Medicaid Managed Care Organization (MCOs) responsibilities for coverage of OTC COVID-19 tests. Since June 2020, the FDA has authorized additional diagnostic tests for COVID-19, including tests that can be self-administered and self-read at home or elsewhere without the involvement of a health care provider, sometimes referred to as self-tests or at-home tests. These COVID-19 tests are now available either by prescription or over-the-counter without either a prescription or individualized clinical assessment by a health care provider.

Effective January 15, 2022, the Biden-Harris Administration is requiring health insurance companies to provide no cost OTC COVID-19 testing.¹ EOHHS is requesting MCOs cover this through the pharmacy benefit, in accordance with the following:

- **MCOs are encouraged as payor of last resort to promote any other available testing that would not count towards the eight (8) tests, per member per rolling 30 calendar days.** No cost testing available are any test or test kits that members are able to obtain for free and do not have an encounter claim.

¹ <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/fags/aca-part-51.pdf>

- **Per federal requirements, MCOs must cover FDA-approved emergency use authorized (EUA) OTC COVID-19 tests (including tests obtained without prescription from a health care provider) including but not limited to BinaxNOW; IHealth; Inteliswab; QuickVue; and FlowFlex.** This coverage must be provided without imposing any cost sharing requirements, prior authorization, or other medical management requirements. Such coverage is required to remain in place for the duration of the COVID-19 public health emergency. **In the event that new tests are added by the Federal and Drug Administration for EUA, MCOs will be responsible for offering these OTC tests at no cost to members.**
- **MCOs may limit the number of OTC COVID-19 tests covered for each member to no less than eight (8) OTC COVID-19 tests per 30-day period.** EOHHS recognizes that some OTC COVID-19 tests are sold in packages containing more than one test (known as a test kit). In applying the quantity limit of eight (8) tests, MCOs may count each test separately, even if multiple tests are sold in one package. However, MCOs may not limit members to a smaller number of these OTC COVID-19 tests per 15-day period, though MCOs may set more generous limits.
- **All claims for OTC COVID-19 tests must be reported by MCOs through the Encounter Data Reporting process and must have a National Drug Code (NDC).** For reference, the following are NDC codes for COVID-19 OTC tests:

Product	NDC
BinaxNOW	11877001140
IHealth	56362000589
Inteliswab	08337000158
QuickVue	14613033972
FlowFlex	82607066026
FlowFlex	82607066027

Expenses not made through the encounter data reporting process will not be considered by EOHHS for future rate setting activities.

- **Pursuant to 42 C.F.R. § 438.104 for allowable marketing activities and offering materials for limited English proficient members pursuant to 42 CFR § 438.10, MCOs must provide education, information resources, and support to inform members of this policy and how to obtain their eight (8) COVID OTC tests.** MCOs may submit member marketing materials to be expedited for EOHHS' review to comply with OTC testing.

Please do not hesitate to contact me if you have any further questions and thank you for your cooperation.

Yours in Health,

Mark D Kraics, Rhode Island Executive Office of Health and Humans Services, Acting Deputy Medicaid Program Director