



January 23, 2007

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Re: The National Council for Prescription Drug Programs (NCPDP)
Telecommunications Standard, Version 5.1, for retail pharmacy claims for reporting
and transacting pharmacy professional services

The Academy of Managed Care Pharmacy (AMCP) is requesting that Office of E-Health Standards and Services (OESS) publish a Notice of Proposed Rule Making (NPRM) that addresses the issue of retail pharmacies billing professional pharmacy services. This issue has been unresolved since 2001. The need for publication of an NPRM is long overdue.

AMCP is a national professional association of pharmacists and other health care practitioners who serve society by the application of sound medication management principles and strategies to achieve positive patient outcomes. The Academy's 5,000 members develop and provide a diversified range of clinical, educational and business management services and strategies on behalf of the more than 200 million Americans covered by a managed care pharmacy benefit.

Billing of Professional Pharmacy Services

Billing for pharmacist professional services has been supported by the National Council for Prescription Drug Programs (NCPDP) Telecommunication Standard since Version 3.2 was published in 1992. Some early adopters of medication therapy management (MTM) have chosen to use the NCPDP standard to submit

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claims for reimbursement for MTM services. This occurred before publication of the HIPAA final rule. The NCPDP *Telecommunication Standard Implementation Guide Version 5.1*, named in HIPAA, specifically provides information on the billing of professional pharmacy services.

No clear guidance is given in the Final Rule

In September 2000, The Standards for Electronic Transactions final rule incorrectly stated that NCPDP Telecommunication Standard Version 5.1 could not support the billing of professional pharmacy services since it did not support HCPCS (Healthcare Common Procedure Coding System) J-codes to identify the pharmacy procedure or service. The rule named the ASC X12N 837 Health Care Claim: Professional, Version 4010 transaction. However, the NCPDP Telecommunication Standard Version 5.1 clearly supports HCPCS J-codes as a qualifier.

NCPDP submitted a change request in February 2002 using the Designated Standards Maintenance Organization (DSMO) Change Request process to request support for the NCPDP Standards for the billing of professional pharmacy claims. The DSMO adjudicated the request in April 2002, and the result was published with the DSMO categorization of **“No Change”** and the recommendation of:

“The DSMO recommend that these types of claims should continue to be submitted as they are currently being submitted.”

Because the MTM early adopters had been using NCPDP Telecommunication Standard Version 5.1 to bill for professional services before publication of the rule and the DSMO change request, it has been assumed that they may continue to bill using NCPDP Telecommunication Standard Version 5.1.

If pharmacy providers, currently using the NCPDP standards are required to use the ASC X12N 837 Health Care Claim: Professional, Version 4010 transaction, there will be financial consequences as software must be created to support this different standard. Other MTM implementers are waiting on the resolution of this issue before proceeding.

In addition, until the entire pharmacy services sector has the option to provide comments via the NPRM process, the Academy is also requesting the retraction of the CMS FAQ 7943.

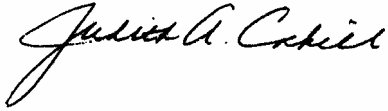
“When a Provider submits a claim to a Part D sponsor for a clinical service provided as part of a MTMP, should they submit the claim using the NCPDP 5.1 transaction standard or must they use the (ASASC) X12N 837P transaction standard?”

The response, requiring the X12 837P transaction standard, represents CMS’ interpretation, and does not make reference to a specific section in the rule to support their interpretation.

Thank you for the opportunity to voice our concerns about the billing of professional pharmacy services. Should you have questions about this matter, please contact Mark

Brueckl, AMCP Assistant Director of Pharmacy Affairs at (703) 683-8416 ext. 609 or mbrueckl@amcp.org.

Sincerely,

A handwritten signature in black ink, reading "Judith A. Cahill". The signature is written in a cursive style with a large, looping initial "J".

Judith A. Cahill
Executive Director