



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

October 21, 2024

The Honorable Wes Moore
Governor
100 State Circle
Annapolis, MD 21401-1925

The Honorable Bill Ferguson
President of the Senate
H-107 State House
100 State Circle
Annapolis, MD 21401-1925

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H-101 State House
100 State Circle
Annapolis, MD 21401-1925

Re: Report Required by Health-General Article § 8-1102(c) – 2024 Report on Analysis of Medications to Treat Opioid Use Disorder – Preferred and Non-Preferred Medications (MSAR# 14171)

Dear Governor Moore, President Ferguson, and Speaker Jones:

Pursuant to Health-General Article § 8-1102(c) and Ch. 82 and Ch. 83 of the Acts of 2022, *Public Health – Medications to Treat an Opioid Use Disorder – Preferred and Non-Preferred Medications*, enclosed is the Department of Health’s report on its continued analysis of preferred and non-preferred medications for the treatment of opioid use disorder (OUD).

If you have any comments or questions, please contact Sarah Case-Herron, Director of Governmental Affairs, at sarah.case-herron@maryland.gov.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.
Secretary

Enclosure

cc: Ryan Moran, Deputy Secretary, Office of Health Care Financing and Medicaid
Tricia Roddy, Deputy Director, Office of Health Care Financing and Medicaid
Athos Alexandrou, Director, Office of Pharmacy Services
Sarah Case-Herron, Director, Office of Governmental Affairs
Sarah Albert, Department of Legislative Services (5 copies)

2024 Report on Analysis of Medications to Treat Opioid Use Disorder – Preferred and Non-Preferred Medications

Submitted by the Maryland Department of Health

As required by Health-General Article § 8-1102(c) and SB 323/HB 578 (Ch. 82 and Ch. 83 of the Acts of 2022)

October 2024

Overview

The 2022 Maryland General Assembly passed SB 323, *Public Health - Medications to Treat an Opioid Use Disorder - Preferred and Nonpreferred Medications*. This legislation directed the Maryland Department of Health (MDH) to analyze the use of preferred and non-preferred drugs for the treatment of opioid use disorder (OUD), identify barriers to individuals who need OUD drugs, and inform prescribing providers of the benefits of prescribing preferred drugs. Upon review of the data, MDH found that prescribing providers used preferred drugs over 99.7% of the time for the treatment of OUD in Calendar Year (CY) 2023. Further, when compared to general prescribing patterns for all fee-for-service (FFS) drugs paid for by MDH in CY 2023, the percentage of non-preferred drugs prescribed for OUD (0.3%) is lower than the percentage of non-preferred drugs prescribed overall (3.0%). The volume of preferred drugs prescribed for OUD increased from 99.5% in CY 2022 to 99.7% in CY 2023. Also, in accordance with the previously planned outreach, MDH shall release guidance in the form of a provider transmittal in Fall 2024 regarding the benefits of prescribing from the State's Preferred Drug List (PDL) to all prescribing providers who were enrolled with Maryland Medicaid in CY 2023. MDH remains committed to monitoring any changes and continuing to inform the General Assembly.

Background

The Maryland Medicaid Program serves more than 1.6 million low-income Marylanders. More than 87% of Maryland Medicaid participants receive their care through HealthChoice, Maryland's statewide mandatory managed care program implemented in 1997 under the authority of Section 1115 of the Social Security Act. The HealthChoice program seeks to improve access and quality of care to Medicaid participants by providing comprehensive, patient-focused, coordinated care through Managed Care Organizations (MCO). Eligible Medicaid participants enroll in the MCO of their choice and select a primary care provider (PCP) to oversee their medical care. MCOs receive a capitation payment in exchange for providing care to their Medicaid participants.

Maryland, like other states, elected to cover pharmacy services as part of its Medicaid benefit package although it is not required to by the Centers for Medicare and Medicaid Services (CMS). Under the authority of Section 1927 of the Social Security Act, Medicaid programs have the option to cover outpatient drugs. Pharmacy reimbursement methodologies vary by state, subject to certain federal requirements. Certain medications are carved out of the MCO benefit package and are provided on an FFS basis, including medications used in the treatment of behavioral health conditions, specifically OUD.

Covered medications can be delineated as preferred or non-preferred drugs based on the State's Preferred Drug List (PDL). All of the covered drugs align with clinical effectiveness, but preferred drugs provide a supplemental rebate that reduces the State's expenditure. As such, prescribing providers are encouraged to utilize drugs listed as preferred on the PDL. For patients, utilizing preferred drugs on the PDL also reduces their portion of cost sharing as these drugs require only a \$1.00 copayment, whereas non-preferred drugs have a \$3.00 copayment. For non-preferred drugs, there are avenues whereby patients may access these drugs. When medically prudent, or in times of supply constraints, a pharmacy or pharmacist may dispense a non-preferred drug; however, prior authorization is mandatory before the prescription can be completed. Additionally, to ensure immediate access to patients, a three-day supply of

non-preferred OUD drugs can be provided on an emergency basis without a prior authorization from the prescriber. The State also contracts with a vendor that operates a 24/7 call center to assist with prior authorizations and emergency cases to improve immediate access to necessary non-preferred OUD drugs. MDH’s Office of Pharmacy Services provides oversight to monitor the utilization of preferred and non-preferred drugs, offers policy guidance to prescribing providers, and ensures access of medications for patients throughout Maryland.

For CY 2023, the following list of preferred and non-preferred drugs were covered for the treatment of OUD:

List of Preferred and Non-Preferred Drug List, CY 2023

Preferred Drugs

- buprenorphine (Subutex)
- buprenorphine/naloxone tablets (Suboxone)
- naloxone injectable (Narcan)
- naloxone nasal spray (Narcan nasal spray) (Brand and generic)
- naltrexone (Revia)
- Sublocade
- Suboxone film (Brand only)
- Vivitrol
- Zubsolv

Non-Preferred Drugs

- buprenorphine/naloxone film (Suboxone) (generic only)
- Kloxxado
- Lucemyra
- Zimhi

Prescribing Patterns

Table 1 below outlines the quantity of OUD prescriptions (preferred and non-preferred drugs), as well as the number of prescribing providers who authorized an OUD prescription (preferred and non-preferred drugs) in CY 2023. MDH covered 353,595 prescriptions in CY 2023 for the treatment of OUD, of which 992 or 0.3% were for non-preferred drugs. Notably, the utilization of non-preferred OUD drugs decreased from 0.5% of all OUD drug prescriptions in CY 2022 to 0.3% of all OUD drug prescriptions in CY 2023, which indicates a consistent trend towards PDL compliance among the majority of prescribing providers.

Table 1. Overview of OUD Treatment Prescriptions and Prescribing Providers for Preferred and Non-Preferred Drugs, CY 2023

Prescription Type	Pharmacy Prescriptions		Prescribing Providers with at least 1 OUD Treatment Prescription	
	#	%	#	%
Non-Preferred	992	0.3%	124	1.8%
Preferred	352,603	99.7%	6,595	98.2%
Total	353,595	100.0%	6,719	100.0%

The limited volume percent of non-preferred drugs prescribed suggests that prescribing providers are leveraging the PDL appropriately. Further, when compared to general prescribing patterns for all FFS drugs paid for by MDH, the percentage of non-preferred drugs prescribed for OUD is lower than the percentage of non-preferred drugs prescribed overall. **Table 2** below shows the percentage of all prescriptions compliant with the PDL by month. On average, 97.0% of prescriptions were preferred for CY 2023. This data further supports the conclusion that the percentage of OUD prescriptions that are non-preferred is appropriate.

Table 2. Percentage of All FFS Prescriptions Compliant with the Preferred Drug List, CY 2023

Pharmacy FFS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	CY 2023 Avg.
% of All Prescriptions Compliant with PDL	97.2	96.8	97.1	97.1	97.1	97.1	96.9	97.1	96.7	97.0	97.0	97.3	97.0%

Although there is sufficient evidence that shows that prescribing providers are utilizing drugs on the PDL broadly, MDH further investigated individual prescribing providers to detect potential outliers in the data. **Table 3** below illustrates a breakdown of prescribing providers who prescribed at least one (1) non-preferred drug in CY 2023. These data highlight that the majority of prescribing providers (83.8%) who prescribed a non-preferred drug in CY 2023 did so fewer than ten (10) times. Furthermore, for prescribing providers with the highest number of non-preferred prescriptions (more than fifty [50]), the percent of use for preferred drugs remained above 96%. These data also indicate that for cases where an individual has a need to access non-preferred drugs, access to these non-preferred drugs is available.

Table 3. OUD Prescriptions and Prescribing Providers, by Frequency of Use of Preferred and Non-Preferred Drugs, CY 2023

Quantity of Non-Preferred Prescriptions, CY 2023	Prescribing Providers, n>1	Total, Non-Preferred Prescriptions		Total, Preferred Prescriptions	
	#	#	%	#	%
1-10	104	297	0.5%	58,748	99.5%
11-49	*	276	1.1%	25,484	98.9%
50+	*	419	3.5%	11,623	96.5%
Total	124	992	1.0%	95,855	99.0%

Note: Table 3 excludes the number of prescriptions from prescribing providers who did not prescribe any non-preferred drugs for OUD to Maryland Medicaid participants in CY 2023.

Note: Per Centers for Medicare and Medicaid Services (CMS) policy, cells with n<11 have been suppressed.

Table 4 below illustrates the frequency of use for non-preferred OUD drugs. In CY 2021, brand name Suboxone film was preferred for OUD treatment on the PDL and generic Buprenorphine-Naloxone sublingual tablets (generic Suboxone) were available as a non-preferred drug. In CY 2022, MDH shifted Buprenorphine-Naloxone sublingual tablets (generic Suboxone) to the PDL, as the tablets are frequently used for individuals who have issues tolerating the film formulation of the drug. As MDH anticipated, this shift in policy further reduced the percentage of non-preferred drugs being prescribed, as the vast majority (91%) of the non-preferred drugs prescribed in CY 2021 were Buprenorphine-Naloxone sublingual tablets (generic Suboxone) in various strengths. Buprenorphine-Naloxone film (generic Suboxone) remains a non-preferred drug, along with Kloxxado, Lucemyra, and Zimhi, which together account for all of the non-preferred OUD prescriptions in CY 2023.¹

Table 4. Total Number of Non-Preferred OUD Treatment Prescriptions, by National Drug Code (NDC), CY 2023, sorted by Drug Name and % of Non-Preferred Prescriptions

NDC	Drug Name	Non-Preferred OUD Prescriptions		Number of Participants with at least 1	Number of Prescribing Providers with at least 1
		#	%		
00378876693	Buprenorphine-Naloxone 4-1 Mg film	*	0.1%	*	*
00378876793	Buprenorphine-Naloxone 8-2 Mg film	*	0.4%	*	*
00378876893	Buprenorphine-Naloxone 12-3 Mg film	18	1.8%	*	11
43598058030	Buprenorphine-Naloxone 4-1 Mg film	*	0.5%	*	*
43598058130	Buprenorphine-Naloxone 12-3 Mg film	*	0.4%	*	*
43598058230	Buprenorphine-Naloxone 8-2 Mg film	25	2.5%	*	11
47781035603	Buprenorphine-Naloxone 4-1 Mg film	60	6.0%	15	15
47781035703	Buprenorphine-Naloxone 8-2 Mg film	356	35.9%	76	52
47781035803	Buprenorphine-Naloxone 12-3 Mg film	123	12.4%	32	35
78670005036	Lucemyra 0.18 Mg tablet	138	13.9%	112	33
78670005096	Lucemyra 0.18 Mg tablet	258	26.0%	194	34
Unduplicated Total		992	100.0%	395	124

Note: Per Centers for Medicare and Medicaid Services (CMS) policy, cells with n<11 have been suppressed.

Provider Outreach

As directed by SB 323/HB 587, MDH will issue guidance in the form of a provider transmittal addressing the use of drugs on the PDL, in the absence of medical criteria or supply availability that does not permit use of preferred drugs for the treatment and management of individuals with OUD. This transmittal will be published publicly in Fall 2024 and sent to all prescribing providers enrolled with Maryland Medicaid in CY 2023.

¹ While Kloxxado and Zimhi (both of which are Brand names for naloxone nasal spray) are included on the PDL as non-preferred covered medications, there were no paid claims for either of these drugs recorded for CY 2023.

Conclusion

Maryland prescribing providers prescribe preferred drugs for the vast majority of prescriptions for OUD relying on the PDL for 99.7% of all OUD prescriptions in CY 2023. The rare occurrences where a non-preferred drug was authorized is likely due to clinical decision making by the prescriber or supply chain constraints. Given the low volume of non-preferred OUD drugs prescribed and the fact that use of preferred OUD drugs exceeds the use of preferred drugs from other drug classes covered on the PDL for all FFS prescriptions generally, the data demonstrates that prescribing providers are using the PDL appropriately. MDH remains committed to monitoring these data pursuant to the requirements found in SB 323/HB 578.