

**Rules of  
Department of Health and  
Senior Services**

**Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies**

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**Title 19—DEPARTMENT OF  
HEALTH AND SENIOR SERVICES  
Division 90—Missouri Senior Rx Program  
Chapter 2—Participating Pharmacies**

**19 CSR 90-2.010 Definitions**

*PURPOSE: This rule establishes the definitions that apply to 19 CSR 90-2.010 to 19 CSR 90-2.050 (participating pharmacies) for implementation and administration of the Missouri Senior Rx Program.*

- (1) Applicant—A pharmacy that applies to participate in the program.
- (2) Generic drug—Generic drug as defined in section 208.550(7), RSMo.
- (3) Participating pharmacy—A pharmacy that meets the conditions of eligibility and participation (see 19 CSR 90-2.020).
- (4) Pharmacy—A pharmacy currently licensed pursuant to Chapter 338, RSMo.

*AUTHORITY: section 208.553.3(5), RSMo Supp. 2001.\* Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Jan. 16, 2002, effective Aug. 30, 2002.*

*\*Original authority: 208.553, RSMo 2001.*

**19 CSR 90-2.020 Eligibility and Application Process**

*PURPOSE: This rule establishes eligibility and the application process for participating pharmacies for the Missouri Senior Rx Program.*

- (1) Eligibility.
  - (A) Only pharmacies that meet the criteria for an enrolled Missouri Medicaid pharmacy shall be eligible to participate in the program.

(2) Application Process.

(A) The application process includes all activity relating to a request for eligibility determination. It begins with the receipt by the division of an application and continues until there is an official written disposition of the request by the third-party administrator.

(B) Participating pharmacies shall meet the conditions of eligibility set forth in 19 CSR 90-2.020(1), both at the time of initial application for participation and on an ongoing basis.

(C) The applicant shall submit an enrollment application form to the third-party

administrator. The third-party administrator shall develop and designate such form.

(D) The applicant shall consent to a review of information on the application enrollment form and of the required documentation, with reasonable prior notice to the applicant, if selected for review. Program eligibility will be denied if the applicant refuses to cooperate with the request.

(E) The applicant shall assist the commission, division, or third-party administrator in securing corroboration of the applicant's information on the application form and required documentation when necessary.

(F) The applicant shall submit with the appropriate enrollment application a signed participating pharmacy agreement as developed by the third-party administrator.

(G) A participating provider's enrollment in the program shall be effective on the date when the signatures of the third-party administrator's authorized representatives have been affixed to the provider agreement. No services rendered prior to that date shall be eligible for reimbursement.

(H) A participating pharmacy's enrollment shall cease to be effective on the date when the third-party administrator suspends or terminates the pharmacy's provider agreement. Payment or reimbursements shall not be made for prescription drugs dispensed on any dates when a pharmacy's enrollment is no longer effective.

*AUTHORITY: section 208.553.3(5), RSMo Supp. 2001.\* Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Jan. 16, 2002, effective Aug. 30, 2002.*

*\*Original authority: 208.553, RSMo 2001.*

**19 CSR 90-2.030 Responsibilities of Enrolled Participating Pharmacies**

*PURPOSE: This rule sets forth the responsibilities of the participating pharmacy in the Missouri Senior Rx Program.*

(1) Enrolled participating pharmacies shall maintain prescriptions (both hardcopy, oral and computer systems) in accordance with Chapter 338, RSMo.

(2) Enrolled participating pharmacies shall provide the commission and the third-party administrator reasonable access to records necessary to determine compliance with sections 208.550 to 208.571, RSMo and the regulations promulgated thereunder and with the provider agreement.

(3) Enrolled participating pharmacies shall conform to the standards of practice in accordance with Chapter 338, RSMo.

(4) Enrolled participating pharmacies shall verify the identity of the claimant or authorized agent.

(A) For claimants, verification shall be observation of the claimant's signed program identification card.

(B) For authorized agent, verification shall include presentation of the claimant's signed program identification card, inform the pharmacy of their designation, sign their own name, and indicate their relationship to the claimant.

(5) Prior to the dispensing of prescription drugs, enrolled participating pharmacies shall take necessary steps to identify prescriptions which may not be authentic.

*AUTHORITY: section 208.553.3(5), RSMo Supp. 2001.\* Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Jan. 16, 2002, effective Aug. 30, 2002.*

*\*Original authority: 208.553, RSMo 2001.*

**19 CSR 90-2.040 Termination or Suspension from the Program**

*PURPOSE: This rule enumerates the reasons that a participating pharmacy will be terminated or suspended from participation in the Missouri Senior Rx Program.*

(1) An enrolled participating pharmacy may be terminated or suspended from the program for the following reasons:

(A) Submission of a false or fraudulent claim;

(B) Failure to comply with provider agreement;

(C) Failure to meet eligibility criteria;

(D) Preclusion from participation in the Medicaid program; or

(E) Discipline by the Board of Pharmacy or the Bureau of Narcotics and Dangerous Drugs.

*AUTHORITY: section 208.553.3(5), RSMo Supp. 2001.\* Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Jan. 16, 2002, effective Aug. 30, 2002.*

*\*Original authority: 208.553, RSMo 2001.*



### 19 CSR 90-2.050 Appeal Process

*PURPOSE: This rule sets forth the process to appeal from the denial of, termination from, or suspension from participation in the Missouri Senior Rx Program.*

(1) Applicants for the program or enrolled participating pharmacies shall have the right to appeal the denial of an application for or suspension or termination from the program, except for a denial, suspension or termination because the applicant has refused to submit requested information or documentation or any other information necessary to establish eligibility for the program or a termination as a result of the end of a plan (fiscal) year.

(2) The third-party administrator shall provide written notice of the denial, termination, or suspension directly to the applicant or participating pharmacy.

(A) The notice shall include the reasons for the denial, termination or suspension;

(B) A notice of termination or suspension shall be effective no sooner than ten (10) calendar days after the date of the notice;

(C) The denial, termination or suspension may be appealed;

(D) If an appeal is made, such appeal shall be filed with the third-party administrator within thirty (30) calendar days following the date of the notice of denial, suspension or termination from the program.

(3) An applicant or participating pharmacy shall file an appeal within thirty (30) calendar days following the date of the notice of denial, suspension or termination with the third-party administrator.

(A) In the case of appeal of a termination or suspension from the program, filing of an appeal within the allowed thirty (30) calendar days shall continue participation in the program from the date the appeal is received by the third-party administrator.

(B) The appeal shall include the applicant's or participating pharmacy's name, address, telephone number, program enrollment number, and the reasons for the appeal.

(4) The third-party administrator will initially seek to resolve all applicant or participating pharmacy's appeals through a letter-ruling process.

(A) The letter-ruling process shall consist of the following steps:

1. The third-party administrator shall review the denial, suspension or termination, including a review of applicable documentation, to determine any possibility of an error.

2. Within thirty (30) calendar days of the receipt of the appeal, a letter shall be sent to

the applicant or participating pharmacy which sets forth the results of the review. The letter will cite the reason for the results of the review and inform the applicant or participating pharmacy of the right to a formal hearing before the third-party administrator.

(B) Results and opinions set forth in letter rulings shall have no precedential authority and are subject to withdrawal or change at any time to conform with new or different interpretations of the law.

(5) If an applicant or participating pharmacy who has filed an appeal under section (3) of this rule disagrees with the third-party administrator's letter ruling, the applicant or participating pharmacy may request a formal hearing on the appeal.

(A) The applicant or participating pharmacy shall file a written request for a formal hearing within ten (10) calendar days of the date of the letter ruling by the third-party administrator.

(B) When the third-party administrator receives the formal request for a hearing, the third-party administrator shall appoint a hearing officer to address and preside over the formal hearing.

(6) If a participating pharmacy does not prevail in its appeal, the commission reserves the right to recoup any funds received under the program during the appeal process.

(7) If a participating pharmacy has been terminated from the program, the pharmacy may be enrolled upon agreement by the third-party administrator.

*AUTHORITY: section 208.553.3(5), RSMo Supp. 2001.\* Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Jan. 16, 2002, effective Aug. 30, 2002.*

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