



STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF HEALTH CARE FINANCE AND ADMINISTRATION
BUREAU OF TENNCARE
310 Great Circle Road
NASHVILLE, TENNESSEE 37243

May 5, 2016

To: All TennCare Ambulatory Pharmacy Network Providers
Re: Provision of Pharmaceutical Services to TennCare Enrollees

Recently numerous occurrences have been reported to Magellan and TennCare, where network providers have not provided services to TennCare enrollees in the following situations:

- The network provider has not ordered or has told a TennCare enrollee that they will not carry products (Specifically Embeda® and Bunavail®) that are listed on TennCare's Preferred Drug List (PDL) as preferred.
 - Both Embeda® and Bunavail® were added to TennCare's PDL on October 1, 2015, replacing generic Morphine ER and Suboxone® Film, which are now non-preferred.
- The network provider has told a TennCare enrollee, who is locked into the provider's pharmacy, that they can dispense non-controlled medications, but not controlled substance medications, because they will not, or may not order the medication for the locked-in enrollee.
 - Sometimes it has been reported that the enrollee has been told that they are not one of the pharmacy's "regular patients".

The [Magellan Medicaid Administration Agreement](#) that was signed by all TennCare Pharmacy Network retail providers, was approved by the State of Tennessee's Department of Commerce and Insurance's TennCare Division, and must be complied with at all times.

Participation in TennCare's provider networks is voluntary, and TennCare expects that pharmacies that choose to provide for our enrollees be in compliance with all of the terms in the Agreement between the pharmacy and TennCare's pharmacy benefits manager. Specifically, the reason for this letter is to remind pharmacies of the following:

- Pharmacies generally cannot pick and choose which TennCare enrollees to provide for. All enrollees who present prescriptions for medically necessary treatment must be accepted by the pharmacy.
- Pharmacies that have chosen to not fill prescriptions for a TennCare enrollee must follow the procedures to report notice of a Voluntary Dismissal of the enrollee. Voluntary Dismissal procedures may be found in the Agreement URL listed above, and also in the [State of Tennessee Medicaid Pharmacy Claims Submission Manual](#).
 - The Voluntary Dismissal may or may not be accepted by TennCare.
- If a pharmacy has refused to reasonably provide medically necessary services to a TennCare enrollee, and has not proceeded with a Voluntary Dismissal of a TennCare enrollee, the pharmacy may be found to be in breach of contract.
- Pharmacies cannot fill some prescriptions and choose not to fill others unless there is a clinical reason not to fill specific prescriptions

- TennCare pharmacy providers are expected to provide support for TennCare’s Preferred Drug List and Utilization Review initiatives:
 - Pharmacies must comply with TennCare’s PDL
 - Pharmacies must assist the PBM in gaining PDL compliance from prescribers
 - Pharmacies must assist TennCare enrollees with PDL compliance, prior authorization requirements and resolving POS edits to optimize their benefit.
- If a pharmacy refuses to stock or order as needed preferred products on TennCare’s PDL, they may be found to be in breach of contract.
- If the pharmacy refuses to provide service to enrollees who have been assigned or chosen their pharmacy as a Lock-In provider, they may be found in breach of contract.
- If the pharmacy refuses to provide service to a TennCare enrollee with legitimate controlled substance prescriptions, because they are saving their inventory for “regular customers”, they may be found in breach of contract.

A determination that a pharmacy is in breach of the contract for any of the reasons described above may lead to a termination of the pharmacy’s participation in the TennCare program.

If any of our network provider pharmacies have any questions regarding any of the information above, please contact us:

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Cc: Magellan Medicaid Administrators, Pharmacy Network Administration