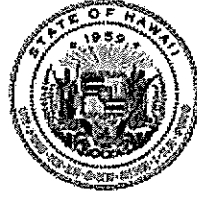


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

Med-QUEST Division  
Clinical Standards Office  
P. O. Box 700190  
Kapolei, Hawai'i 96709-0190

October 1, 2018

MEMORANDUM

MEMO NO.

QI-1817  
CTR-1802  
FFS-18-06

To: QUEST Integration Health Plans, SHOTT Contractor, and Fee-For-Service Providers

From:  Judy Mohr Peterson, PhD  
Med-QUEST Division Administrator

SUBJECT: NATIONAL DRUG REBATE AGREEMENT PARTICIPATION

As you are probably aware the Centers for Medicare and Medicaid Services (CMS) issued a Final Notice on March 23, 2018 that required drug manufacturers to sign and submit an updated National Drug Rebate Agreement (NDRA) by September 30, 2018. Unless manufacturers sign and submit an updated NDRA by the due date, the manufacturer will be terminated from participation in the Medicaid Drug Rebate Program (MDRP).

Therefore, based on information received from CMS which was updated on October 1, 2018, Med-QUEST Division (MQD) will not cover drugs of pharmaceutical manufacturers who have not signed the updated Medicaid NDRA.

If the NDRA is not updated by the drug manufacturer by the September 30, 2018 deadline, it is terminated on October 1, 2018 from the MDRP. A delay before re-entry is in section 1927 (b)(4)(C) of the (Social Security) Act: The manufacturer is prohibited from entering into another rebate agreement for at least one calendar quarter since the date of the termination. This will

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result in the drug of the terminated manufacturer to deny when processing a claim with an error message of "NDC not covered" for at least one full quarter after the updated NDRA is submitted to CMS.

Attached is the latest update from CMS of the pharmaceutical manufacturers who have not yet signed the updated Medicaid NDRA. There are now only fourteen (14) manufacturers who still need to sign the agreement (and have not proactively indicated to CMS that they do not intend to sign). Twenty-three (23) manufacturers also found on the attachment do not intend to sign the updated agreement.

Attachment

Labelers with 10.01.2018 termination dates

Labeler Codes with a 10/01/2018 Termination Date because they did not return a complete updated NDRA and CMS 367d form to CMS by the September 30, 2018 compliance date (Final list - October 1, 2018)

NDC1	Labeler Name	Termination Date
00064	HEALTHPOINT, LTD.	10/01/2018
10158	GSK CONSUMER HEALTHCARE HOLDINGS (US)LL	10/01/2018
15821	FOCUS LABORATORIES, INC.	10/01/2018
49158	THAMES PHARMACEUTICALS, INC.	10/01/2018
50192	NAUTILUS NEUROSCIENCES, INC.	10/01/2018
55607	HEALTH SCIENCE FUNDING, LLC	10/01/2018
59075	ELAN PHARMACEUTICALS, INC./ATHENA NEURO	10/01/2018
69036	SALLUS LABORATORIES, LLC	10/01/2018
69150	BIOMES PHARMACEUTICALS, LLC	10/01/2018
69158	GLENVIEW PHARMA, INC	10/01/2018
70147	GLENDALE INC.	10/01/2018
70688	KASTLE THERAPEUTICS, INC.	10/01/2018
70882	CAMBRIDGE THERAPEUTIC TECHNOLOGIES, LLC	10/01/2018
71399	AKRON PHARMA INC.	10/01/2018

Labelers who confirmed they were not renewing their NDRA and terminated on 10/01/2018 (Final list - October 1, 2018)

NDC1	Labeler Name	Termination Date
00062	ORTHO MCNEIL PHARMACEUTICALS	10/01/2018
11701	COLOPLAST CORPORATION	10/01/2018
15749	AMERICAN ANTIBIOTICS, INC.	10/01/2018
43595	ANGELINI PHARMA, INC.	10/01/2018
44946	SANCILIO & COMPANY, INC.	10/01/2018
46026	GLOUCESTER PHARMACEUTICAL INC.	10/01/2018
49685	NEUROGESX, INC.	10/01/2018
50816	NEW AMERICAN THERAPEUTICS	10/01/2018
55390	BEDFORD LABORATORIES	10/01/2018
58487	NEW HAVEN PHARMACEUTICALS, INC.	10/01/2018
62250	BELCHER PHARMACEUTICALS, LLC	10/01/2018
62794	MYLAN BERTEK PHARMACEUTICALS, INC.	10/01/2018
67467	OCTAPHARMA PHARMAZEUTIKAGM	10/01/2018
68405	PHYSICIAN THERAPEUTICS LLC	10/01/2018
68453	VICTORY PHARMA, INC	10/01/2018
68669	VISTAKON PHARMACEUTICAL LLC	10/01/2018
69171	MERRIMACK PHARMACEUTICALS, INC.	10/01/2018
75989	ACTON PHARMACEUTICALS	10/01/2018
68209	OCTAPHARMA A.B.	10/01/2018
00300	TAP PHARMACEUTICALS INC	10/01/2018
00149	WARNER CHILCOTT PHARMACEUTICALS INC.	10/01/2018
46987	ACTAVIS KADIAN LLC	10/01/2018
00535	FOREST LABORATORIES	10/01/2018