

State of Ohio



Ohio Department
of Health

SUBJECT: Ryan White Part B: Out-of-State Medication Shipments	PAGE 1 OF 6 NUMBER: 11-RWB-06
RELATED RULE/CODE: ORC 121.07, OAC 3701.241	SUPERSEDES: 02/27/2012 Policy
RELATED PHAB STANDARDS:	EFFECTIVE DATE: To be assigned 30 days from issuance.
RELATED FORMS:	APPROVED:

I. AUTHORITY

This directive is issued in compliance with Ohio Revised Code 121.07, which delegates to the Director of the Department of Health the authority to manage and direct the operations of the Department and to establish such rules and regulations as the Director prescribes. Further, section 3701.241 of the Ohio Administrative Code requires the Director to develop and administer AIDS and HIV-related programs.

II. PURPOSE

The purpose of this directive is to clarify the circumstances under which an enrolled participant in the Ohio HIV Drug Assistance Program (including formulary, Health Insurance Premium Payment (HIPP) program, and spenddown clients) may receive shipment of formulary medications from the HIV Care Services' contracted pharmacy vendor to a mailing address outside the state of Ohio.

III. APPLICABILITY

This policy applies to all enrolled Ohio HIV Drug Assistance Program (OHDAP) clients requesting one or more shipments of medication to an address outside the state of Ohio and to ODH staff who review client requests for out-of-state medication shipments.

IV. DEFINITIONS

ADAPs—AIDS Drug Assistance Programs: This state-administered program is authorized under Part B of the Ryan White HIV/AIDS Program (RWHAP) and provides FDA-approved medications for HIV and related conditions to low-income individuals with HIV disease who have no/limited coverage from private insurance or Medicaid. ADAPs are designed to provide medication/medication assistance even in areas where other Ryan White programs are present. In Ohio, the program is known as OHDAP (Ohio HIV Drug Assistance Program).

AIDS—Acquired Immune Deficiency Syndrome: AIDS is the term used for a recognized constellation of infections, cancers, and other illnesses resulting from late stage infection with the human immunodeficiency virus (HIV). It is also referred to as HIV Disease Stage 3. In the US, the Centers for Disease Control and Prevention are responsible for creating the AIDS definition based on pathogenic organisms present in the United States. The World Health Organization (WHO) determines the AIDS definition for much of the rest of the world.

Formulary: A formulary is an official list giving details of medications that may be prescribed. The OHDAP Formulary is the official list of such medications specific to the Ohio HIV Drug Assistance Program. Regardless of which sub-program in which a client enrolls, OHDAP will provide the drugs or pay medication copayments for formulary products only.

Formulary Client: A client who is enrolled in the Ohio HIV Drug Assistance Program (OHDAP) who has no other means of medication coverage (e.g., Medicaid, Medicare Part D, prescription insurance) and who receives OHDAP Formulary medications shipped directly to them.

HIPP—Health Insurance Premium Payment Program: The HIPP program is a specialized program within OHDAP whereby an eligible client who has or could obtain health insurance may receive assistance with wrap-around health insurance costs such as premiums, medication copayments, and co-insurance.

HIPP Client: A client who is an eligible participant in any of the health insurance premium payment (HIPP) program offerings (e.g., assistance with monthly insurance premiums, assistance with medication copayments, etc.).

HIV—Human Immunodeficiency Virus: HIV is a retrovirus (lentivirus) that is known to cause AIDS.

HRSA—Health Resources and Services Administration: HRSA is an agency within the US Department of Health and Human Services (HHS) and is the federal agency that funds the Ryan White programs in the United States.

OHDAP—Ohio HIV Drug Assistance Program: OHDAP is the mechanism by which eligible Ohioans with HIV are able to receive prescription medication to treat their HIV disease and related conditions. The program includes distribution of formulary medications directly to eligible program clients (formulary client) or as a result of providing wrap-around services (e.g., paying insurance premiums, payment of medication copayments, etc.), most commonly referred to as a HIPP (health insurance premium payment) client.

OHDAP Administrator: Also referred to as the OHDAP Manager, this individual is responsible for daily operations of the Ohio ADAP.

OHDAP Coordinator: Ohio HIV Drug Assistance Program (OHDAP) Coordinators are the ODH employees who work in the Ohio HIV Drug Assistance Program to determine client eligibility and enrollment.

Ryan White: Ryan White was diagnosed with AIDS at age 13 (December 17, 1984). He and his mother, Jeanne White Ginder fought for his right to attend school, gaining international attention as a voice of reason about HIV/AIDS. Ryan was one of the first children with hemophilia to be diagnosed

with AIDS. At the age of 18, Ryan died on April 8, 1990, just months before Congress passed the AIDS bill that bears his name—the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. The legislation has been reauthorized four times since—in 1996, 2000, 2006, and 2009 and is now called the Ryan White HIV/AIDS Program (RWHAP).

RWAD—Ryan White Application Database: This ODH web-based system (also known as RWAD) is designed to document client eligibility and enrollment in any of the Ryan White Part B programs in Ohio.

RWHAP—Ryan White HIV/AIDS Program: This is the name of the program within the HIV/AIDS Bureau (HAB) at the Health Resources and Services Administration (HRSA). Originally named the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, the program had several name changes when reauthorized in 1996, 2000, 2006, and 2009 (as the Ryan White HIV/AIDS Treatment Extension Act of 2009) and is now called the Ryan White HIV/AIDS Program (RWHAP).

Rx Exception Process: OHDAP uses a centralized, contracted pharmacy to provide medications to eligible clients throughout Ohio. Sometimes clients have insurance through a company that requires use of a different pharmacy (e.g., Kroger employees must use the Kroger pharmacy). In order to assist those clients with medication copayments, it is necessary for the case manager to submit an Rx Exception Form [see Rx Exception Process] to allow the OHDAP administrator to authorize payment to a different pharmacy.

Ryan White Part B Program Administrator: Also referred to as the HIV Care Services Section Administrator, this individual is responsible for all operations and programs with the HIV Care Services Section at the Ohio Department of Health. This is the role designated as the Principle Investigator on the HRSA program grant.

Ryan White Case Manager: Ryan White Parts A and B provide medical case management services within Ohio. Potential clients for any of the Ryan White programs are able to receive assistance from a Ryan White case manager at no cost to the client.

Ryan White Part B Program: This refers to the federal program established by the Ryan White HIV/AIDS Treatment Modernization Act, 42 USC 300ff et seq (as in effect on January 1, 2009) and administered by the Director of health under division (D) of section 3701.241 of the Revised Code. Part B.

V. POLICY

It is the policy of the Ohio Department of Health to allow participants in the Ohio HIV Drug Assistance Program (OHDAP) to receive shipment of OHDAP Formulary medication to an address outside the state of Ohio in specific, limited situations.

VI. PROCEDURE

A. **Background:** There are occasions when an OHDAP client may travel outside the state of Ohio. The client's travel arrangements do not remove the need for receipt of their uninterrupted supply of

medications. Other states also have AIDS Drug Assistance Programs (ADAPs) and, if a client has moved to another state, it is important that the client transition to the ADAP in their new state of residence.

B. Notification and Documentation

1. The client or Ryan White case manager will notify the client's OHDAP Coordinator of the need for an out-of-state shipment of medication. The OHDAP Coordinator will verify the client's Ohio residency and will inform the client/case manager of this policy at the time of the initial request for a shipment to an out-of-state address.
2. The OHDAP Coordinator or case manager will bring the need for an out-of-state shipment of medication to the attention of the OHDAP Administrator for review.
3. The OHDAP Administrator will also note any out-of-state medication shipments requests made by the dispensing pharmacy and will document the requests in RWAD. The OHDAP Administrator (or designee) will follow-up with the client/case manager, as needed, to determine why such a request was made and the OHDAP Administrator will follow-up with the dispensing pharmacy to authorize or deny future out-of-state shipments in keeping with this policy.

C. Review: The OHDAP Administrator will review the request within two (2) business days of being notified of the issue.

1. **OHDAP Client:** The decision to authorize OHDAP medication to be shipped to an address outside of Ohio is acceptable when the request is temporary in nature and there is no question that Ohio is the client's state of residence. Typically, this situation will not exist for a period of more than two (2) months and the client will provide tangible proofs of residency in the state of Ohio.
 - a. If a client is living in or plans to become a legal resident of another state, he or she will be asked to apply for the ADAP program in that state.
 - b. If a client is transitioning to another state's ADAP program, one (1) refill will be provided by OHDAP after which the client is no longer eligible for services from OHDAP.
 - c. There are limited special cases where OHDAP client medications may be shipped out of state for a period greater than two (2) months:
 - i. **College Student.** If a client is a college student whose parent(s) reside in Ohio but who attends school out-of-state, it is possible for OHDAP to ship medications to the client at the university address. In such cases, the student will be using the parents' residence as their home address to establish residency, and it will be necessary to include the parents' income when calculating OHDAP eligibility. With appropriate documentation, an OHDAP Coordinator is able to approve this special case.
 - ii. **Client with out-of-state employment:** If a client (who is a documented resident of Ohio) is employed, for example, in a seasonal occupation that requires being out of Ohio,

medications may be shipped to the client at their seasonal work location. With appropriate documentation, an OHDAP Coordinator is able to approve this type of special case.

- iii. **Clients with transient employment.** If a client is employed, for example, as an over the road truck driver and is a resident of Ohio, but needs medications shipped to various places across the country due to requirements of their job. With appropriate documentation, an OHDAP Coordinator is able to approve this type of special case.

D. Decision

1. The OHDAP Coordinator must call the contracted dispensing pharmacy and indicate the permission for medications to be shipped outside the state of Ohio. This communication with the contracted pharmacy must be documented in the client case notes in the RWAD system.
2. If a client does not meet the special exceptions outlined above and requests more than 30 days of out-of-state medication shipments in a rolling twelve (12) month period, such a request can only be approved by the OHDAP Administrator or the Ryan White Part B Program Administrator (or designee). In such cases, the case manager or the OHDAP Coordinator must document the client's request and the circumstances surrounding the need for more than a 30-day supply of out-of-state medication shipments. The OHDAP Administrator or Ryan White Part B Program Administrator (or designee) will consider the client's unique circumstances and will render a decision in writing in the client case notes in RWAD. The reviewing administrator will contact the client/case manager/OHDAP Coordinator with the decision.
3. If the OHDAP Administrator is not available, the client, case manager, or OHDAP Coordinator will bring the matter to the attention of the Ryan White Part B Administrator (or designee) who will review the request and approve/deny the request as described in item B above.
4. The reviewing Administrator will document the decision in the Ryan White Application Database (RWAD) to approve or deny future out-of-state medication shipments or medication copayment approval.
5. No shipments may be made to an address outside the United States under any circumstances.

E. APPEAL

1. On written request from an applicant or client, the Ryan White Part B Administrator may grant limited exceptions to the above policy.
2. Any variance from the policy will be documented by the Ryan White Part B Administrator in the RWAD system. The Ryan White Part B Administrator will notify the individual within 30 days of any decision.
3. Any decision made regarding an appeal to this policy by the Ryan White Part B Administrator will be final.

Table of Effective Changes

Version	Effective Date	Superseded/Modified	Significant Changes
0001	2-27-2012	NA	First Issuance
		V1 2/27/2012	<ul style="list-style-type: none">• Restating the policy in the new ODH format.• Adding appeal language.