

ForwardHealth **UPDATE**

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FORWARDHEALTH COVERAGE OF OVER-THE-COUNTER ORAL CONTRACEPTION FOR BADGERCARE PLUS AND MEDICAID MEMBERS

On January 24, 2024, the Wisconsin Department of Health Services (DHS) issued a standing order that will enable members enrolled in BadgerCare Plus and Medicaid programs to more easily obtain over-the-counter (OTC) oral contraception through their health care coverage.

This statewide standing order was issued by the Chief Medical Officer for the Division of Medicaid Services (DMS), under the authority of Wis. Stat. § [49.45\(1\)](#). A standing order is defined in Wis. Stat. § [450.01\(21p\)](#) as an order transmitted electronically or in writing by a practitioner for a drug or device for multiple patients or for one or more groups of patients.

AFFECTED PROGRAMS

BadgerCare Plus, Medicaid

TO

Community Health Centers, Hospital Providers, Nurse Midwives, Nurse Practitioners, Pharmacies, Physician Assistants, Physician Clinics, Physicians, Rural Health Clinics, Tribal Federally Qualified Health Centers, HMOs and Other Managed Care Programs

The information provided in this ForwardHealth Update is published in accordance with Wis. Stat. § 49.45(1).

Over-the-Counter Oral Contraception Products

Over-the-Counter Emergency Contraception—Levonorgestrel

Levonorgestrel is a progestin-only emergency contraceptive indicated for the prevention of pregnancy following unprotected intercourse or a known or suspected contraceptive failure. Several manufacturers produce levonorgestrel emergency contraception products that are available for purchase by consumers without a prescription.

Over-the-Counter Oral Contraception—Norgestrel

On July 13, 2023, the Food and Drug Administration (FDA) approved Opill (norgestrel), a progestin-only oral contraceptive for use without a prescription.

Note: Opill is expected to be available for purchase by individuals in early to mid-2024. A separate standing order will be published by DHS when it becomes available.

Information for Wisconsin Medicaid Pharmacy Providers

Effective January 24, 2024, pharmacy providers may apply the [standing order](#) issued by the DMS Chief Medical Officer to fill a prescription for OTC emergency contraception (levonorgestrel). This standing order fulfills the requirement of a prescription for Medicaid members to obtain covered FDA-authorized OTC oral emergency contraception. It further authorizes providers to dispense such OTC products to Medicaid members to the extent a prescription is required, including for insurance coverage, under the pharmacy benefit.

If a member has an existing prescription from their provider, that prescription should be used. The standing order does not supplant individual prescriptions.

Prior to dispensing an OTC emergency contraception under the standing order, the provider should ensure all requirements of the standing order have been met and direct the member to review the manufacturer's instructions for use.

Pharmacies may dispense up to four tablets per prescription dispensed under the standing order. OTC levonorgestrel products will have a quantity limit of eight tablets per member per month applied. Pharmacies may request an override of the monthly quantity limit by contacting the Drug Authorization and Policy Override Center Center at 800-947-9627.

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ForwardHealth covers oral contraceptives for members who are 10 through 65 years of age. Refer to Contraceptives topic ([#9937](#)) of the ForwardHealth Online Handbook for further information.

Note: Numerous OTC and legend contraception products not included in this standing order are also available for coverage by ForwardHealth for Medicaid members when prescribed by a Medicaid-enrolled provider.

Requirements for a Valid Prescription

Any prescription for members, including those based on standing orders, must be documented according to Wis. Admin. Code § DHS [107.02\(2m\)\(b\)](#). For documentation purposes, “the prescriber’s MA provider number” in Wis. Admin. Code § DHS 107.02(2m)(b) refers to that of the provider who authored the standing order. Providers must follow licensure scope of practice requirements when delegating dispensing or treatment authority per standing order.

Submitting Claims for Over-the-Counter Contraception

Providers are required to submit pharmacy claims with correct National Drug Codes (NDCs) for the product dispensed. For more information about submitting pharmacy claims, providers may refer to the Submission chapter of the Claims section of the Pharmacy service area of the Online Handbook.

Specific NDCs of the OTC products available for coverage with Medicaid can be found on the [Drug Search Tool](#). For additional billing questions, providers may contact Provider Services at 800-947-9627.

Member Communication

Pharmacy providers dispensing OTC oral emergency contraception can refer to the [Attachment](#) to this ForwardHealth Update for a flyer that can be posted to help answer member questions about what they need to obtain OTC oral emergency contraception under their BadgerCare Plus and Wisconsin Medicaid program coverage, including Family Planning Only Services coverage. This flyer, a link to this Update, as well as other materials, are posted on the ForwardHealth Portal for easy reference.

Documentation Retention

Providers are reminded that they must follow the documentation retention requirements per Wis. Admin Code § DHS [106.02\(9\)](#). Providers are required

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to produce or submit documentation, or both, to DHS upon request. Per Wis. Stat § [49.45\(3\)\(f\)](#), providers of services shall maintain records as required by DHS for verification of provider claims for reimbursement. DHS may audit such records to verify the actual provision of services and the appropriateness and accuracy of claims. DHS may deny or recoup payment for services that fail to meet these requirements. Refusal to produce documentation may result in denial of submitted claims, recoupment of paid claims, application of intermediate sanctions, or termination from the Medicaid program.

Information Regarding Managed Care Organizations

This Update applies to the Family Care, Family Care Partnership, BadgerCare Plus, and SSI Medicaid managed care programs because pharmacy services for members of these programs are provided on a fee-for-service basis. Pharmacy services for Medicaid members enrolled in the Program of All-Inclusive Care for Elderly (PACE) are provided by the member's managed care organization.

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This Update was issued on 01/24/2024 and information contained in this Update was incorporated into the Online Handbook on 01/31/2024.

The ForwardHealth Update is the first source of program policy and billing information for providers.

Wisconsin Medicaid, BadgerCare Plus, SeniorCare, and Wisconsin Chronic Disease Program are administered by the Division of Medicaid Services within the Wisconsin Department of Health Services (DHS). The Wisconsin AIDS Drug Assistance Program and the Wisconsin Well Woman Program are administered by the Division of Public Health within DHS.

For questions, call Provider Services at 800-947-9627 or visit our website at www.forwardhealth.wi.gov/.

ATTACHMENT
**Member Flyer Regarding Over-the-Counter
Oral Contraceptives**

(A copy of the member flyer is located on the following page.)

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BadgerCare Plus and Wisconsin Medicaid

Over-The-Counter Oral Contraceptives

Members of BadgerCare Plus and most Wisconsin Medicaid programs have coverage for over-the-counter (OTC) oral contraceptives.

How does it work?

- ▶ Go to your local pharmacy and find the oral contraceptive product you want.
- ▶ Bring it to the pharmacy counter.
- ▶ Show your ForwardHealth card to get the medication at no cost to you.



What products are covered?

You can only get OTC emergency contraceptives currently. You can get four tablets at a time, up to eight tablets per month. Most brands are included—work with your pharmacist to choose a Medicaid-covered product.

Is regular birth control available?

Right now, there are no OTC nonemergency options. The Department of Health Services will announce when OTC oral birth control is available. In the meantime, we encourage you to talk to your health care provider about birth control options that are right for you.

What else do I need to know?

- ▶ While you do not need a prescription from your doctor, if you already have one, you should continue to use it.
- ▶ The ForwardHealth card used should belong to the person who will take the drug. A family member can pick up a supply for someone else if they show that person's ForwardHealth card. You can find a digital version of your ForwardHealth card in the MyACCESS app.
- ▶ Members must be between the ages of 10 and 65 to use this benefit.



Questions?

Talk to your pharmacist if you have any questions about approved OTC contraceptives.

