



**State of New Jersey  
Department of Human Services**

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Governor

**CAROLE JOHNSON**  
Commissioner

**SHEILA Y. OLIVER**  
Lt. Governor

**To:** Physicians/Advanced Practice Nurses/Providers of Pharmaceutical Services/Medicaid Managed Care Organizations

**From:** Carole Johnson, Commissioner

**Subject:** Certificate of Waiver of Medicaid/NJ FamilyCare and Division of Aging Services Prescription Refill Regulations to Ensure Beneficiary Access to Medications

**Effective:** March 10, 2020

Pursuant to Executive Order No. 103, the Department of Human Services (the Department) issues the following waiver of certain regulatory requirements related to the prescribing of medications during the COVID-19 outbreak. This waiver is effective March 10, 2020, and shall continue until further direction. As of the date of this waiver, the Division of Medical Assistance and Health Services (DMAHS) and the Division of Aging Services (DoAS) will allow early prescription refills and the dispensing of a ninety (90) days' supply of maintenance medications to qualified beneficiaries.

The Department is taking this action in response to the outbreak of respiratory disease caused by a novel coronavirus, called coronavirus disease 2019 (COVID-19). On January 31, 2020, U.S. Health and Human Services Secretary Alex Azar declared a public health emergency for the United States to aid the nation's health care community in responding to COVID-19. The Centers for Disease Control and Prevention and the State of New Jersey public health laboratories are testing for the virus that causes COVID-19 to help prevent further transmission and mitigate community impact. To ensure that Medicaid/NJ FamilyCare members and DoAS beneficiaries have appropriate access to medication during the outbreak, the Department is taking prompt action to waive certain prescription refill requirements.

Medicaid/NJ FamilyCare is the State of New Jersey's Medicaid and Children's Health Insurance Program, which provides prescription drug benefits to eligible beneficiaries. DoAS operates certain prescription drug assistance programs for eligible seniors and individuals with disabilities, including the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold program.

Various DMAHS and DoAS regulations limit the dispensing of prescribed medications to certain quantities and frequency, including but not limited to N.J.A.C. 10:51-1.15 (DMAHS Quantity of Medication); N.J.A.C. 10:51-1.19 (DMAHS Prescription Refill); N.J.A.C. 10:51-2.1 et seq. (Pharmaceutical Services for Medicaid/NJ FamilyCare Beneficiaries in a Nursing Facility); N.J.A.C. 10:51-1.25 (DMAHS POS Claims Adjudication System); N.J.A.C. 10:167A-1.16 (PAAD Quantity of Medication); N.J.A.C. 10:167A-1.20 (PAAD Prescription Refill); N.J.A.C. 10:167C-1.14 (Senior Gold Quantity of Medication); and N.J.A.C. 10:167C-1.18 (Senior Gold Prescription Refill).

Effective March 10, 2020, the Department waives these regulations only to the extent necessary to allow early prescription refills and the dispensing of a ninety (90) days' supply of prescribed maintenance medications to any Medicaid/NJ FamilyCare enrollee or DoAS prescription drug assistance program beneficiary. Pharmacists should only dispense medications in this manner if deemed appropriate in an exercise of their professional judgment. This waiver does not apply to controlled dangerous substances, with the exception of any FDA approved treatment for mental health or substance abuse disorders.

DMAHS and DoAS shall ensure access to prescribed medications pursuant to this waiver by making accommodations in the State's Point-of-Sale (POS) claims processing system.

DMAHS directs all contracted Medicaid managed care and fee-for-service organizations to make all appropriate system changes to implement this action immediately.

For questions concerning this action, please contact Gerard Hughes at [Gerard.Hughes@dhs.nj.gov](mailto:Gerard.Hughes@dhs.nj.gov).

  
Carole Johnson  
Commissioner