Chapter 8 – Alcohol and Drug Abuse
Subchapter 9

~~Pharmaceutical~~ Manufacturer Fee Rule

1.0 Authority

This rule is adopted pursuant to and implements the provisions of 33 V.S.A. § 2004

2.0 Purpose

This rule implements ~~a fee shall be~~ the fee to be collected from each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur or VPharm pursuant to 33 V.S.A. § 2004. ~~The fee is shall be 1.5 percent of the previous calendar year's prescription drug spending by the Department of Vermont Health Access and shall be assessed based on manufacturer labeler codes.~~

3.0 ~~Collection~~ Payment of the Fee

~~The Department of Vermont Health Access shall annually provide the manufacturer or labeler with an invoice reflecting the fee described in subsection (a) above. This amount will be based on paid claims data under the State's programs.~~ The subject manufacturer or labeler shall remit the invoiced amount according to instructions provided by the Department of ~~Vermont~~ Health ~~Access~~.

4.0 Billing Errors

4. 1 In the event the manufacturer or labeler ~~believes~~ determines an error in billing has occurred, the manufacturer or labeler shall notify the Department of ~~Vermont~~ Health ~~Access~~ in writing within 30 days of receipt of the bill.

4.2 This notification shall be accompanied by written materials setting forth the basis for the requested review.

~~5.0 Depressant Drugs; Trade or chemical Name~~

~~The Department of Vermont Health Access shall maintain on its website a list of the manufacturers or labelers who have failed to provide timely payment. Timely payment means payment received by the Department of Vermont Health Access within 30 days or less of the date that the written invoice was provided to the manufacturer or labeler, or upon resolution of the review process described in subsection (c) above. This list will be updated at least annually~~.