



Ramifications for Missouri Physicians of Enhanced Mo HealthNet OPI Program

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Effective March 1, 2018, the Missouri Department of Social Services (“MDSS”) – Mo HealthNet Division (“Mo HealthNet”) began working collaboratively with the Missouri Department of Mental Health and the Missouri Department of Health and Senior Services to enhance the Mo HealthNet Opioid Prescription Intervention (“OPI”) Program.

As part of these enhancements, Mo HealthNet has developed clinical policy-based best practices based on the Center for Disease Control’s 2016 Guideline for Prescribing Opioids for Chronic Pain. The best practices include twelve Quality Indicators shown [here](#). The parameters of some indicators are not yet defined, and the Missouri Hospital Association and other organizations have inquired to provide more specificity.

Any physician who fails to meet one of the Quality Indicators will receive an [initial letter](#) from the MDSS discussing the new changes to the OPI Program. The letter itself is fairly innocuous and does not expressly state that it is being received by the physician as a result of his/her failure to meet one of the identified Quality Indicators.

If, following the receipt of the initial letter, the physician continues to fail to meet one of two Quality Indicators, the physician will receive a [second letter](#) from the MDSS. This second letter will specifically identify the Quality Indicators which the physician failed to meet and will give the physician twenty (20) days to provide MDSS with a satisfactory explanation of prescribing activities in question. MDSS has recommended that the physician use its [Response Form](#) to provide this response.

MDSS has indicated that if a physician fails to respond to the second letter as requested, MDSS will refer the physician to Missouri Board of Professional Registration for the Healing Arts (“MBHA”) and the Missouri Bureau of Narcotics and Dangerous Drugs (“MBNDD”) for possible disciplinary action. Although the current information provided by MDSS does not specifically state this fact, it seems likely that MDSS may also refer a physician to MBHA and MBNDD if MDSS is unsatisfied with the physician’s explanation of the prescribing activities.

Separate from these changes, MDSS has indicated that effective May 1, 2018, it will be implementing a new prior authorization program for Mo HealthNet patients needing opioid therapy requiring total Morphine-Milligram-Equivalent daily dosing in excess of limits established by MDSS. More information on this new prior authorization program is expected from MDSS in the next few weeks.

What physicians and hospitals need to do

If you receive the initial letter from MDSS, don’t ignore it. Read it carefully, no matter how innocuous it seems. Contact either the MDSS or your attorney for clarification and to determine next steps.

If you receive the second letter, you must respond within 20 days using either the response form indicated, or some other method to resolve the issue.

This blog post was drafted by [Donn Herring](#), a Partner in the St. Louis, MO office of Spencer Fane LLP. For more information, visit [spencerfane.com](#).

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