



January 27, 2023

[submitted electronically via: [Kelly.cunningham@illinois.gov](mailto:Kelly.cunningham@illinois.gov)]

Kelly Cunningham  
Administrator  
Division of Medical Programs  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue, East  
Springfield, Illinois 62763

**Re: Pharmacists Billing for Hormonal Contraceptive Assessment and Consultation per Public Act 102-0103 Effective August 1, 2022**

Dear Administrator Cunningham:

The American Pharmacists Association (APhA) and the Illinois Pharmacists Association (IPhA) would like to thank Governor J.B. Pritzker, Director Eagleson, and the Illinois Department of Healthcare and Family Services (HFS) Division of Medical Programs for their quick work to begin implementing Public Act 102-0103.<sup>1</sup> This important legislation will increase Illinoisans access to hormonal contraceptives by allowing pharmacists to furnish the medications through a standing order. Importantly, the law establishes a payment mechanism within the state's medical assistance program for the clinical services pharmacists will be providing to ensure appropriate incentives maximize implementation and patients' access of these medications. In response to your October 31, 2022, provider notice,<sup>2</sup> APhA and IPhA recommend expanding the CPT codes pharmacists can bill for these services to ensure the law is implemented as intended and increases patients' access to hormonal contraceptives.

APhA is the largest association of pharmacists in the United States advancing the entire pharmacy profession. APhA represents pharmacists in all practice settings, including community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care, and enhance public health. In Illinois, APhA works closely with IPhA to represent pharmacists and students that practice in numerous settings and provide care to many of your beneficiaries. As the voice of pharmacy, APhA leads the profession and equips members for their role as the medication expert in team-based, patient-centered care. APhA inspires, innovates, and creates opportunities for members and pharmacists worldwide to optimize medication use and health for all.

Established in 1880, IPhA is dedicated to enhancing the professional competency of pharmacists, advancing the standards of pharmacy practice, improving pharmacists' effectiveness in assuring rational drug use in society, and leading in the resolution of public policy issues affecting pharmacists.

**Our primary concern with the October 31, 2022, provider notice is that pharmacists are limited to billing a 99401 CPT procedure code. The intent of paying pharmacists for services included in Public Act 102-0103 was to treat pharmacists the same as any other provider providing a comparable service. Thus, pharmacists should be able to bill the same CPT procedure codes another provider providing a comparable service would be able to bill. For hormonal contraceptive services, this would be 99202-99205 and 99211-99215.**

---

<sup>1</sup> Public Act 102-0103. 102<sup>nd</sup> Illinois General Assembly. Available at <https://ilga.gov/legislation/publicacts/fulltext.asp?Name=102-0103>

<sup>2</sup> Provider Notice Issued 10/31/2022. Illinois Department of Healthcare and Family Services. Available at <https://www2.illinois.gov/hfs/MedicalProviders/notices/Pages/prn221031b.aspx>

The below reasons detail why limiting pharmacists to bill a 99401 CPT procedure code is inappropriate and will limit participation from pharmacists:

- Hormonal contraceptive encounters will deviate in complexity from patient-to-patient. This is due to the need for pharmacists to gather a complex past medical history, conduct an assessment, and implement a patient specific plan to furnish the most appropriate hormonal contraceptive to a patient. In some situations, there will be contraindications to the prescribing of a hormonal contraceptive to a patient and the pharmacist will refer this patient to another provider for another form of contraceptive. Limiting pharmacists to one CPT procedure code undervalues the clinical services pharmacists provide and may disincentivize pharmacists providing care to more complex patients. 99401 is limited to a 15-minute encounter and is not intended to be billed multiple times in one encounter if the visit lasts longer than 15-minutes as it is a part of an expanded time-based code-set for preventative medicine counseling. We do not anticipate all encounters, especially with new patients, would realistically be 15-minutes or less. Allowing pharmacists to bill 99202-99205 and 99211-99215 ensures pharmacists are incentivized to gather vital information from new and established patients and allows flexibility in submitting the most appropriate time-based code depending on the complexity of the patient.
- As mentioned above, other health care providers in Illinois, such as physicians, advanced practice registered nurses, or physician assistants, would bill an “office or other outpatient services” evaluation and management (E/M) CPT procedure code (99202-99205 and 99212-99215) for the exact same encounter a pharmacist would be limited to bill a 99401 CPT procedure code. The intent of Public Act 102-0103 was for pharmacists to be treated as other Medicaid providers are treated, and we strongly recommend HFS adhere to that intent.
- Limiting pharmacists to 99401 for hormonal contraceptive services puts Illinois out of step with how other state Medicaid programs are allowing pharmacists to bill for the same service. Nevada<sup>3</sup> and Colorado<sup>4</sup> recently implemented their programs allowing pharmacists to bill their state Medicaid programs for clinical services, including hormonal contraceptive services. Both are allowing pharmacists to bill 99202-99205 & 99211-99215 for hormonal contraceptive services. We urge Illinois’ medical assistance program align reimbursement with how other states are reimbursing for comparable services.
- Finally, the definition of the CPT procedure code 99401 does not appropriately reflect the assessment and furnishing pharmacists will be completing when providing a hormonal contraceptive encounter. The “office or other outpatient services” E/M CPT procedure code-set (99202-99205 and 99212-99215) more accurately reflects the complexity required for the clinical services pharmacists will be providing during hormonal contraceptive encounters.

We are confident through the appropriate implementation of this program by HFS, Medicaid beneficiaries will have greater access to hormonal contraceptives across the state of Illinois. We are concerned that the current implementation of this program, limiting pharmacists to only a 99401 CPT procedure code, is not only misaligned with the intent of the legislature, but will significantly limit participation of pharmacists and serve as a barrier to Medicaid beneficiaries’ access to hormonal contraceptives.

Thank you again to Governor Pritzker and your Division for your work to prioritize patients’ access to health care services and medications. We urge your Division accept the recommendations above to ensure the law is implemented as intended and that patient access to hormonal contraceptives truly does increase. We would be happy to meet with you to discuss further and encourage your team contact Garth Reynolds, BSPharm, RPh, MBA, FAPhA, IPhA Executive Director, by email at [greynolds@ipha.org](mailto:greynolds@ipha.org) and E. Michael Murphy, PharmD, MBA, APhA Advisor for State Government Affairs, by email at [mmurphy@aphanet.org](mailto:mmurphy@aphanet.org) to organize a meeting with our organizations.

Sincerely,

---

<sup>3</sup> Pharmacist Provider Type 91 Billing Guide. Nevada Division of Health Care Financing and Policy. Available at [https://www.medicaid.nv.gov/Downloads/provider/NV\\_BillingGuidelines\\_PT91.pdf](https://www.medicaid.nv.gov/Downloads/provider/NV_BillingGuidelines_PT91.pdf)

<sup>4</sup> Pharmacist Services Billing Manual. Colorado Department of Health Care Policy & Financing. Available at <https://hcpf.colorado.gov/pharm-serv#otherCovPharm:~:text=Back%20to%20Top-,Other%20Covered%20Pharmacist%20Services,-Effective%20January%2014>



E. Michael Murphy, PharmD, MBA  
Advisor for State Government Affairs  
American Pharmacists Association



Garth K. Reynolds, BSP Pharm, RPh, MBA, FAPhA  
Executive Director  
Illinois Pharmacists Association

CC: The Honorable Governor J.B. Pritzker  
Theresa Eagleson, Director, Illinois Department of Healthcare and Family Services