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CAROL H. STECKEL, MPH
Commissioner

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To: Physician Offices

Several physician offices have inquired about unused vials of Synagis® that remained at the end of last year's RSV season. The unused vials result when patients do not return for doses (or other unforeseen circumstances); the medication has already been billed to Medicaid for a specific patient, but not administered to that patient. Section 34-23-70 of Alabama Pharmacy Law states "(c) No licensed pharmacist or pharmacy operating within this state shall accept for refund purposes or otherwise any unused portion of any dispensed prescription"; therefore, unused medication cannot be returned to the pharmacy.

As a result of these inquiries, Alabama Medicaid and Health Information Designs (HID) have sought guidance from the Alabama State Board of Medical Examiners (BME), as well as the Alabama Board of Pharmacy. In a response letter from the Alabama BME, it **"determined that it would not consider it to be unprofessional conduct, as defined in the rules and regulations of the Board of Medical Examiners, should a physician allow Synagis®, unused by another patient, to be used for other qualified patients within the same physician's practice under the conditions described in your correspondence: properly stored, within the expiration date, and unopened in the physician's office"**. Upon concurrence with the Alabama Board of Pharmacy, it was further confirmed that under the Alabama Pharmacy Practice Act, *pharmacies* may not change patients or dispensing records.

Please note that the guidance from the Alabama BME specifically notes that unused Synagis® may be used for other *qualified* patients, and does not circumvent the prior authorization process. It is expected that if unused Synagis® previously billed and paid under Alabama Medicaid exists, a *qualified Medicaid recipient* receive the unused medication with no duplicative billing to Medicaid. Only if another qualified Medicaid recipient is not available should the unused medication be used for another qualified patient.

Alabama Medicaid, the Alabama State Board of Medical Examiners, HID and physician's offices all agree that this costly medication should not be wasted; the new streamlined process of the monthly weight requirement, in addition to the above clarification, will help eliminate unused medication, save State funds, and provide controlled utilization.