

Date: March 11, 2009

To: Medicaid Drug Rebate State Technical Contacts

From: CMS, Medicaid Drug Rebate Operations

Subj: **NOTIFICATION OF CHANGES IN DESI CODE**

The following products were reported by labelers as DESI code 2. The FDA has determined that these drugs are a DESI code 5 (less than effective/IRS drug for all indications):

53746	0077	EEMT 0.625MG/1.25 TABLETS
53746	0078	EE/MT TABS 1.25MG/2.5MG
16781	0113	EXACTACAIN
29336	0321	NITROGLYCERIN TRANSDERMAL DELIVERY SYSTEM

Please be aware that these drugs will no longer be eligible for Medicaid coverage and rebate billing beyond the date of this notice. Please note that CMS' first quarter 2009 tape to states will be the last quarterly tape that will include this NDC as a DESI code 2 in order to facilitate rebate billing for any utilization that occurred in good faith prior to March 11, 2009. The second quarter 2009 tape will reflect the updated DESI Code status.

cc: First Data Bank
MediSpan

The decision in this response is limited to and based upon the facts described in this response and our understanding of the facts as described in the submission. This response cannot be considered an advisory opinion under section 1128D(b) of the Social Security Act, since only the Department's Inspector General has been authorized to issue advisory opinions relating to health care fraud and abuse under that section. This response is not a release of liability.