

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S3-13-15  
Baltimore, Maryland 21244-1850



## Center for Medicaid and State Operations

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April 23, 2009

TO: Medicaid Drug Rebate State Technical Contacts

FROM: CMS, Medicaid Drug Rebate Operations

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

The following products were reported by the labeler with a DESI code of 2 (i.e., rebate-eligible); however, the FDA has determined that the drugs are subject to a Federal Register notice dated October 24, 2008 (73 FR 63491) which proposed to withdraw approval of several Polyethylene Glycol 3350 Abbreviated New Drug Applications. Therefore, the appropriate DESI code for each of these products is a code of 5 (i.e., less than effective/IRS drug for all indications):

00574-0412	POLYETHYLENE GLYCOL 3350 NF POWDER FOR ORAL SOLUTION
10572-0810	MIRALAX
49884-0146	POLYETHYLENE GLYCOL
51991-0457	POLYETHYLENE GLYCOL 3350 NF
52268-0800	MIRALAX
62175-0442	GLYCOLAX

As a result, these drugs are no longer eligible for coverage under the Medicaid Drug Rebate Program. **Consequently, as of the date of this notice, you should update the DESI code of each of these NDCs in your Medicaid Drug Rebate systems.** The labelers of these products are responsible for paying rebates on any of these NDCs that were dispensed on or prior to the date of this notice. In addition, please note that CMS' second quarter 2009 tape to states will be the last quarterly tape that will include these NDCs with a DESI code of 2 in order to facilitate rebate billing for any utilization that occurred in good faith on or prior to the date of this notice. Beginning with the third quarter 2009 tape, the updated DESI Code status will be reflected.

cc: First Data Bank  
MediSpan