



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

INFORMATIONAL LETTER NO. 639 -- REVISED

To: All Iowa Medicaid Pharmacy and Prescribing Providers
From: Iowa Department of Human Services, Iowa Medicaid Enterprise
Date: September 24, 2007
Subject: Tamper-Resistant Prescription Drug Pads for Covered Outpatient Drugs
Effective Date: **October 1, 2007 and October 1, 2008**

******* This letter replaces Info Letter No. 639 Dated August 31, 2007*******

Areas of clarification in this updated Informational Letter are italicized and include date of written guidance; Schedule II controlled substances, prescriptions for those in institutional settings, retro-eligible members and industry recognized tamper resistant prescription pad features. Further guidance in the form of FAQ will be posted on the IME website at www.ime.state.ia.us as available.

The federal "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act" of 2007 provides that effective October 1, 2007, federal Medicaid funding shall not be available for any amounts expended for prescription drugs for which the prescription was executed in **written (including handwritten and printed) and non-electronic form** unless the prescription was executed on a tamper-resistant pad. This Informational Letter is based on the State Medicaid Director Letter (SMDL) #07-012 from the federal Centers for Medicare & Medicaid Services (CMS) dated August 17, 2007 and *written guidance provided on September 12, 2007 from the Medicaid Integrity Group of CMS.*

Tamper-Resistant Prescription Pad Information

According to the SMDL #07-012:

To be considered tamper resistant on **October 1, 2007**, a prescription pad must contain at least **one of the following three characteristics**:

- 1) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;
- 2) one or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber;
- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

No later than **October 1, 2008**, to be considered tamper resistant, a prescription pad must contain **all of the foregoing three characteristics**. Failure of a State to enforce the tamper-resistant pad requirement may result in the loss of Federal financial participation. *A listing of examples of these features is attached.*

Beginning October 1, 2007, any pharmacist receiving a hard copy prescription for a Medicaid member not written or printed on a tamper-resistant prescription pad and/or paper must verify the prescription order with the prescriber for Medicaid reimbursement purposes. *The pharmacist will need to obtain a new written prescription for Schedule II Controlled Substances written on a non-tamper resistant prescription pad/paper.* As always, the pharmacist must comply with all federal and state laws and regulations applicable to the practice of pharmacy.

Emergency Fills

To the extent permissible under federal and state law, emergency prescriptions for non-controlled and controlled substances may be filled, and they will be reimbursed as long as the pharmacy receives a verbal, faxed, electronic, or compliant written prescription within **72 hours** after the date on which the prescription was filled.

Exemptions to Tamper-Resistant Prescription Pads:

- Prescriptions that are presented via other modes of transmission, e.g. e-prescriptions, facsimile, and telephone are exempt from this requirement.
- The tamper-resistant pad requirement does not apply to refills of written prescriptions presented at a pharmacy before October 1, 2007.

Prescribers and Other Facilities Who Transmit Prescriptions to Pharmacies

- **Special Note for Institutional Settings:** (*Long Term Care facilities, Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded (ICFMR) and Psychiatric Medical Institutions for Children (PMIC)*)
 - *CMS has concluded that a written order prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy is considered "tamper resistant," so long as the patient never has the opportunity to handle that written order.*
- All medical practitioners who prescribe drugs to Medicaid members are responsible for obtaining the tamper-resistant prescription pads and/or printer paper.
- Prescribers should contact their current prescription pad vendor for additional information on obtaining tamper-resistant prescription pads and/or printer paper.
- Iowa Medicaid will not endorse specific vendors.
- If prescribers do not use compliant pads or printer paper for hard copy prescriptions, anticipate additional telephone calls or faxes from pharmacies to obtain compliant prescriptions.

Pharmacies

- **Special Note for Institutional Settings:** (*Long Term Care facilities, Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded (ICFMR) and Psychiatric Medical Institutions for Children (PMIC)*)
 - *CMS has concluded that a written order prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy is considered "tamper resistant," so long as the patient never has the opportunity to handle that written order.*
- The Tamper-Resistant Prescription Pads requirement applies regardless of whether Medicaid is the primary or secondary payor of the prescription being filled.
- *Retro-Eligible Members: The filling of the prescription before the member became retro-eligible is presumed to be compliant. If the original prescription is a one-time fill, it is presumed to be compliant and can be reimbursed by Medicaid. When the member is determined to be eligible for Medicaid retroactively, Medicaid will only reimburse subsequent refills with a compliant prescription.*
- Amounts reimbursed by Medicaid for prescriptions not written on tamper-resistant prescription pads and/or paper will be disallowed and recouped upon audit.
- If your pharmacy scans the image of the prescription for storage purposes as allowed by state and federal law, Medicaid provisions still require appropriate record retention by providers of service for a minimum of five years from when the charge was made to the program for payment.
- Please note the Public Notice at the bottom of this Informational Letter, which can be copied and provided to Medicaid members with questions/concerns about this requirement.

Additional Resources

The SMDL #07-112 can be found at <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>.

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (H.R. 2206), section 7002(b)

The IME appreciates your partnership as we work together to serve the needs of Iowa Medicaid members within federal requirements. If you have any questions, please contact IME Provider Services at 1-800-338-7909, locally at 515-725-1004 or by e-mail at: ineproviderservices@dhs.state.ia.us

.....
PUBLIC NOTICE FROM IOWA MEDICAID DIRECTOR EUGENE I. GESSOW



Effective October 1, 2007, pharmacies may only fill written (handwritten and printed) prescriptions for Medicaid members when the prescription is on a tamper-resistant pad or paper; or your prescriber may send your prescription to the pharmacy by e-prescription, fax, or call it in. Please direct any questions to your prescriber or Iowa Medicaid Member Services at 1-800-338-8366 or 515-725-1003 (local).

Attachment to IME Informational Letter No. 639 - Revised

Tamper Resistant Prescription Pad Features

The following features will be considered by the Iowa Department of Human Services to meet the requirements for tamper-resistant prescription pads, as discussed in State Medicaid Director Letter #07-012. Additional features may also be considered to meet these requirements, and the Department invites suggestions from prescribers or pharmacies. A description of security features may also be included on each prescription blank.

To be considered tamper resistant on October 1, 2007, a prescription pad must contain at least one feature from one of the following three categories. Beginning October 1, 2008, to be considered tamper resistant, a prescription pad must contain at least one feature from all of the foregoing three categories.

1). Features designed to prevent unauthorized copying of a completed or blank prescription:

- High security watermark on reverse side of blank.
- Copied prescription blanks show the word "Copy," "Illegal," or "Void."
- Blue or green background ink on the prescription blank that resists reproduction.

2). Features designed to prevent the erasure or modification of information written on the prescription by the prescriber:

- A chemical void protection on the prescription blank that prevents alteration by chemical washing.
- The prescription blank may be made of quality safety paper that resists erasures and reproductions.
- An area of opaque writing that disappears if the prescription blank is lightened.
- Erasure protection on green or blue background on the front side of the prescription blank that resists alterations and erasures.
- A feature printed in thermochromic ink that disappears or shows obvious tampering if the prescription blank is rubbed, scratched briskly, or if heat is applied.
- Quantity check off boxes printed on the prescription blank with the following quantities listed and may include a space to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form:

| | |
|-------|--------------|
| 1-24 | 75-100 |
| 25-49 | 101-150 |
| 50-74 | 151 and over |

3). Features designed to prevent the use of counterfeit prescription forms:

- A custom or repetitive watermark on the backside of the prescription blank that can be only seen at a forty-five (45) degree angle. The watermark should bear the name of the company manufacturing the prescription blank or should bear the word "security".
- Prescriber logos, defined as a symbol utilized by an individual, professional practice, professional association or hospital, appearing on the prescription blank. The upper left one (1) inch square of the prescription blank should be reserved for the logo.
- Sequentially numbered blanks
- Duplicate or triplicate blanks

<http://www.iowamedicaidpdl.com/uploads/tu/qI/tuqIrEcxpIQO6pi8PJhMRg/639-Revised-Tamper-Resistant-Rx-Info-Ltr.pdf>

Check out the above address for Iowa updates as they are posted.

1-15-08