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Effective April 1, 2008, prescriptions for Kansas Medicaid patients cannot be filled at the pharmacy unless written on a tamper resistant prescription pad or the prescription is subject to one of the limited exceptions. This is the result of a recent federal law/mandate intended to reduce fraud and abuse embedded in a law passed by Congress primarily dealing with funding for the Iraq War.

If you are not already using tamper resistant prescriptions, contact your supplier of prescription pads and order a supply of tamper resistant pads prior April 1, 2008.

What is a tamper resistant prescription pad?

According to the federal government, to be considered tamper resistant on April 1, a prescription pad must have at least one of the following three characteristics:

- Industry-recognized feature(s) designed to prevent unauthorized copying;
- Industry-recognized feature(s) designed to prevent erasure or modification of information written by the prescriber; or
- Industry-recognized feature(s) designed to prevent use of counterfeit prescription forms

What happens on or after April 1, 2008, if a Kansas Medicaid patient presents to a pharmacy with a written prescription that is not tamper resistant?

CMS issued guidelines to State Medicaid Directors state that emergency fills are allowed as long as a prescriber provides a verbal, faxed, electronic, or compliant prescription within 72 hours after the date on which the prescription is filled. PLEASE NOTE also that Drug Enforcement Administration (DEA) regulations regarding controlled substances may require a written prescription.

Important considerations:

CMS recently presented guidelines to follow the new law subject to the condensed implementation timeline including requirements and exceptions, such as allowing prescriptions sent to the pharmacy electronically (either by e-prescribe, phone or by fax) or when a managed care entity pays for the prescription (e.g., Children's Mercy Family Health Partners and UniCare Health Plan of Kansas). The guidelines included other exceptions; however, it is unclear whether they will stay in effect now that implementation has been delayed by six months. KMS will update you with any change in CMS guidelines and exceptions as the new April 2008 deadline approaches. It is recommended that your practice acquire appropriate tamper-resistant prescription pads well in advance of April 2008.

You may contact Dan Morin (dmorin@KMSonline.org or 785.235.2383/800.332.0156) with any questions, comments, or concerns.

<http://www.kansas.gov/pharmacy/Tamper%20Resistant%20Pads.htm>
<http://www.kmsonline.org/0-pdfs-on-website/Tamper-resistant-pads.pdf>

Check out the above addresses for Kansas tamper resistant information updates.
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