



Commonwealth of Massachusetts
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MassHealth
All Provider Bulletin 167
September 2007

TO: All Providers Participating in MassHealth
FROM: Tom Dehner, Medicaid Director *TD*
RE: Requirement for Tamper-Resistant, Written Prescriptions

New Requirement Recently, Congress enacted a law mandating the use of tamper-resistant prescriptions for Medicaid members. The law states that payment shall not be made for "... amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad."

This bulletin is intended to clarify MassHealth's interpretation and implementation of the new federal requirements that non-electronic prescriptions for Medicaid-covered outpatient drugs be issued using a tamper-resistant prescription. This new requirement is effective for dates of service on and after October 1, 2007.

The intent of this law is to reduce forged and altered prescriptions and to deter drug abuse. MassHealth stresses the importance of ensuring that MassHealth members receive appropriate care, and urges prescribers to use alternatives to paper prescriptions where possible while awaiting tamper-resistant prescription blanks.

The new requirement applies to both prescription drugs and over-the-counter drugs prescribed for MassHealth members. The requirement is applicable when MassHealth is the primary or secondary payer of the prescription being filled. It includes drugs prescribed for MassHealth members in nursing facilities if MassHealth will be making any payment for the drugs.

Drug Enforcement Administration regulations, Board of Registration in Pharmacy regulations, DPH regulations, MassHealth regulations, and Massachusetts Controlled Substances laws at M.G.L. c. 94C still apply.

MassHealth does not endorse specific suppliers of tamper-resistant prescription blanks.

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Exceptions to the Requirement for Tamper-Resistant Prescriptions

The federal law exempts from the tamper-resistant prescription requirement MassHealth prescriptions that are:

- e-prescribed, faxed to the pharmacy from the provider's office, or telephoned to the pharmacy by the provider;
- paid by MassHealth managed-care organizations (MCOs);
- provided in institutional and clinical settings for which the drug is not separately reimbursed, but is reimbursed as part of a bundled payment rate; or
- refills for which the original prescription was filled before October 1, 2007.

Emergency Fills

Emergency fills, where allowed, for prescriptions written on non-tamper-resistant blanks, are permitted as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. This allows a pharmacy, in an emergency situation, to telephone a prescriber to obtain a verbal order for a prescription written on a noncompliant prescription blank.

Tamper Resistance

Effective for dates of service on and after October 1, 2007, a written prescription must contain at least **one** of the characteristics listed below.

Effective for dates of service on and after October 1, 2008, a written prescription must contain all **three** characteristics listed below:

Required Tamper-Resistant Characteristics

One or more industry-recognized features designed to:	Examples include, but are not limited to:
1. prevent unauthorized copying of a completed or blank prescription form	<ul style="list-style-type: none"> • high security watermark on reverse side of blank • thermochromic ink (for example, a latent "void" pattern printed across the entire width of the front of the prescription blank, such that if it is photocopied the word "void" will appear in a pattern across the entire front of the prescription.)
2. prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none"> • tamper-resistant background ink showing erasures or attempts to change written information
3. prevent the use of counterfeit prescription forms	<ul style="list-style-type: none"> • sequentially numbered blanks • duplicate or triplicate blanks

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**Legislative
Requirement**

The federal law that requires this change is the Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (H.R. 2206) section 7002(b).

**Additional
Resources**

For more information, please see Centers for Medicare & Medicaid Services (CMS) Letter to State Medicaid Director (SMDL #07-012,8/17/2007). The full letter is available at: <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>.

Questions

If you have any questions about the information in this bulletin, please contact MassHealth Customer Service at 1-800-841-2900, e-mail your inquiry to providersupport@mahealth.net, or fax your inquiry to 617-988-8974.

http://www.mass.gov/Eeohhs2/docs/masshealth/bull_2007/all-167.pdf

Check out the above address for Massachusetts tamper resistant information updates.

1-7-08