

MHCP Enrolled Providers
MHCP Provider Update PRX-07-03R
Tamper-resistant Prescription Pads

August 27, 2007
Revised September 5, 2007
Revised September 13, 2007
Revised December 7, 2007

The purpose of this notice is to clarify MHCP's interpretation and implementation of the federal requirements for Medical Assistance (MA) payment "...amounts expended for medical assistance [MA] 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."

Effective for dates of service on and after April 1, 2008, a prescription pad must contain at least one of the 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	High security watermark on reverse side of blank Thermochromic ink
2	Prevent erasure or modification of information written on the prescription by the prescriber	Tamper-resistant background ink shows erasures or attempts to change written information
3	Prevent the use of counterfeit prescription forms	Sequentially numbered blanks Duplicate or triplicate blanks

Effective for dates of service on and after October 1, 2008, a prescription pad must contain all three characteristics listed.

This requirement applies to all non-electronic prescriptions, legend and over-the-counter, written for fee-for-service recipients on MA (program MA) and MinnesotaCare (programs FF and LL only), when MHCP is the primary or secondary payer. State-funded programs are not affected by the tamper-resistant requirement.

Drug Enforcement Administration and Minnesota Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions for Schedule II drugs still apply.

MHCP will not endorse specific vendors that supply tamper-resistant pads.

Exceptions to Tamper-resistant Rx Pads

Exempt from the tamper-resistant requirement are MA prescriptions that are:

- Paid by managed care organizations (MCOs) (two-thirds of Minnesota's MA population)
- Provided in specified institutional and clinical settings* for which the drug is not separately reimbursed, but is reimbursed as part of a total service
- * Institutional and clinical settings: nursing facilities, intermediate care facilities for the mentally retarded (ICF/MR): inpatient and outpatient hospital, hospice, dental, laboratory, x-ray and renal dialysis services
- E-prescribed, faxed to the pharmacy from the provider's office, or telephoned to the pharmacy by the provider
- Refills for which the original prescription was filled before April 1, 2008
- Generated by an automated medical record and printed in the provider's office. Each medication on the prescription blank must display a unique number that is assigned and tracked by the automated medical record. The prescription blank must be signed in non-black ink.

Emergency Fills

Emergency fills for prescriptions written on non-tamper resistant pads 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. In an emergency situation, this allows a pharmacy to telephone a prescriber to obtain a verbal order for a prescription written on a non-compliant prescription pad. The pharmacy must document the call on the face of the written prescription.

Additional Resources

- [U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 \(H.R. 2206\), section 7002\(b\)](#)
- [Centers for Medicare & Medicaid Services \(CMS\) Letter to State Medicaid Director \(SMDL #07-012, 8/17/2007\)](#)
- [CMS Government Information](#)
- [Frequently Asked Questions regarding Tamper-Resistant Prescription Pad](#)

[http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION
&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_139077](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_139077)

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

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