

Tamper-Resistant Prescription Pads

The purpose of this notice is to clarify the MO HealthNet Division's (MHD), formerly Division of Medical Services, interpretation and implementation of the federal requirements for MO HealthNet medical assistance payment "...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 provision would have become effective on October 1, 2007; with the delayed implementation it now becomes effective **April 1, 2008**.

To be compliant with the rule, a prescription pad must contain at least one of the characteristics listed below:

One or more industry-recognized features designed to:	Examples include (but are not limited to):
<ul style="list-style-type: none">• Prevent unauthorized copying of a completed or blank prescription form	<ul style="list-style-type: none">• High security watermark on reverse side of blank• Thermo-chromic ink
<ul style="list-style-type: none">• Prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none">• Tamper-resistant background ink that shows erasures or attempts to change written information
<ul style="list-style-type: none">• Prevent the use of counterfeit prescription forms	<ul style="list-style-type: none">• 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 of the listed characteristics.

This requirement applies to all non-electronic prescriptions, legend and over-the-counter, written for fee-for-service MO HealthNet participants, when MO HealthNet is the primary or secondary payer. Drug Enforcement Administration and Missouri Board of Pharmacy laws and regulations pertaining to all written and electronic prescriptions still apply.

Exceptions to Tamper-Resistant Rx Pads Requirement

Exempt from the tamper-resistant requirement are MO HealthNet:

- Prescriptions, items, or services furnished and amounts expended by or through a MO HealthNet managed care entity (MC+)
- Prescriptions 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 defined as: nursing facilities, intermediate care facilities for the mentally retarded (ICF/MR), inpatient and outpatient hospital, hospice, dental, laboratory, x-ray and renal dialysis services
- Prescriptions 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

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

1. U.S. Troop Readiness, Veterans' Care, Katrina Recover, and Iraq Accountability Appropriations Act of 2007 (H.R. 2206), section 7002(b).
2. Centers for Medicare & Medicaid Services (CMS) Letter to State Medicaid Director (SMDL #07-012, 08/17/2007).

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<http://dss.mo.gov/mhd/cs/pharmacy/pdf/tamperrx.pdf>

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

1-15-08