

PROVIDER BULLETIN

No. 07-20

September 5, 2007

TO: Prescribers of Medicaid Covered Drugs and Pharmacists

FROM: Vivianne M. Chaumont, Director
Division of Medicaid & Long-Term Care

BY: Barbara Mart, R.P., Pharmacy Consultant

RE: Tamper-Resistant Prescription Pads for the Nebraska Medicaid Pharmacy Program

The purpose of this notice is to clarify interpretation and implementation of the federal requirements from U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (H.R. 2206), section 7002(b) (Requirements for use of Tamper-Resistant Prescription Pads Under the Medicaid Program)

October 1, 2007: Effective for dates of service on and after **October 1, 2007**, a Medicaid 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	<ul style="list-style-type: none"> • High security watermark on reverse side of blank • Thermochromic ink
2	Prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none"> • Tamper-resistant background ink shows 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

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

Additional Information:

- This requirement applies to all non-electronic prescriptions, legend and over-the-counter, written for NE Medicaid recipients, when NE Medicaid is the primary or secondary payer.
- Drug Enforcement Administration and Nebraska Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions still apply.
- NE Medicaid will not endorse specific vendors that supply tamper-resistant pads.

Exceptions to Tamper-Resistant Rx Pads

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

- Faxed to the pharmacy from the provider's office,
- Telephoned to the pharmacy by the provider,
- E-prescribed, or
- Refills for which the original prescription was filled before October 1, 2007

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 information

Federal Guidance to State Medicaid Programs: Dear State Medicaid Director (8-17-08)
<http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>

U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h2206enr.txt.pdf

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<http://www.hhs.state.ne.us/med/PB/pb0720.pdf>

Check out the above address for Nebraska tamper resistant information updates.
1-7-08