



**Strong Families – South Dakota's Foundation and Our Future**  
**South Dakota Department of Social Services**



## MEDICAL SERVICES

### Provider Information

#### Tamper-Resistant Prescription Drug Pads

On September 14, 2007, a letter was sent to all South Dakota Medicaid providers explaining the federal mandate involving tamper-resistant requirements for outpatient prescription drug pads. The letter explained states had to insure prescriptions for Medicaid clients met one of three criteria:

1. An industry recognized feature designed to prevent unauthorized copying of a completed or blank prescription form;
2. An industry recognized feature designed to prevent the erasure or modification of information written on the prescription by the prescriber;
3. An industry recognized feature designed to prevent the use of counterfeit prescription forms

**The old implementation date was October 1, 2007.** By October 1, 2008, all three criteria had to be met. The President has now signed House Resolution 3668 that provides an extension on the implementation date of this requirement. **The new implementation date is now April 1, 2008.**

Due to the short implementation timeframe the federal government originally gave states, South Dakota implemented a policy requiring the use of gel ink pens when writing prescriptions for Medicaid clients. The use of a gel ink pen prevents erasing ink from the prescription and would bring South Dakota into compliance with the law. An initial supply of gel ink pens was purchased by the Department and distributed to Medicaid providers.

Some providers may already be using tamper-resistant prescription drug pads that meet the characteristics stated above. If so, please continue the use these security measures in addition to gel ink pens. Over the course of the next six months, the Department will work with provider associations to implement prescription drug pad requirements by the April 1, 2008, compliance date.

**NOTE:** There is an exception to drugs provided in institutional settings to the extent the drug is not separately reimbursed from the institutional reimbursement.

**EXAMPLE:** Drugs provided during an inpatient hospital stay *are exempt* since they are reimbursed through the inpatient hospital reimbursement process. However, drugs prescribed to be taken home by the patient *are not exempt* since reimbursement is made through a pharmacy. Additionally, e-prescriptions, prescriptions faxed to the pharmacy and called-in prescriptions are not covered under this law.

#### Additional Information

- [South Dakota Medicaid Provider Letter: October 2, 2007](#)

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<http://dss.sd.gov/medicalservices/providerinfo/tamper-resistantrx.asp>

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

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