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**Department of Finance and Administration**  
**Bureau of TennCare**  
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Nashville, TN 37228

**Phil Bredesen**  
Governor

**M.D. Goetz, Jr.**  
Commissioner

**October 1, 2007**

Attention TennCare Pharmacy Providers:

On September 29, 2007, the federal government passed a bill that delayed the implementation date for TennCare prescriptions to be written on Tamper Resistant Prescription pads by 6 months. As a result of this delay, **TennCare prescriptions will not be required to contain at least one tamper resistant feature as of October 1, 2007.** Therefore, contrary to the directives in recent TennCare notices, pharmacies should not begin to deny prescriptions for TennCare recipients on October 1, 2007 if they are written on a non-tamper resistant pad. In addition, pharmacies should not distribute the Non-Tamper Resistant Denial Notice to TennCare recipients. **We request that you alert your staff to this change in the effective date of the tamper resistant prescription requirement** so that TennCare patients may continue to receive prescriptions under their covered pharmacy benefit without any unnecessary delays.

TennCare will continue to notify pharmacy providers as we receive additional guidance from CMS on how and when to best implement requirements related to Tamper Resistant Prescription pads. We thank you for your cooperation on this issue.

TennCare Pharmacy Department

## Important Information for TennCare Prescribers

Effective October 1, 2007 prescriptions for TennCare patients cannot be filled at the pharmacy unless written on a tamper resistant prescription pad or unless the prescription is subject to one of the limited exceptions

Why? – This is the result of a recent federal law/mandate intended to reduce fraud and abuse that was embedded in a law passed by Congress primarily dealing with funding for the Iraq War

Exceptions – The following will not be subject to the tamper resistant requirement:

- Refills of written prescriptions presented at a pharmacy before October 1, 2007
- Prescriptions sent to the pharmacy electronically (either by e-prescribe or by fax)
- Prescriptions communicated to the pharmacy by telephone
- Drugs administered in nursing facilities, ICFMRs, and other institutional and clinical settings

What you need to do – If you are not already using tamper resistant prescriptions, contact your supplier of prescription pads and order a supply of tamper resistant pads prior to October 1, 2007

What is a tamper resistant prescription pad? – According to the federal government, to be considered tamper resistant on October 1, 2007 a prescription pad must have at least one of the following three characteristics:

- Industry-recognized feature(s) designed to prevent unauthorized copying
- Industry-recognized feature(s) designed to prevent erasure or modification of information written by the prescriber
- Industry-recognized feature(s) designed to prevent use of counterfeit prescription forms

What happens on or after October 1, 2007 if a TennCare patient presents to a pharmacy with a written prescription that is not tamper resistant? – If the pharmacist determines that an emergency exists, he/she may provide a 72 hour supply of the drug but he/she will have to follow-up with the prescriber to get a verbal, electronic or compliant written prescription within 72 hours after the time the prescription was filled. In a non-emergency situation the drug will not be provided unless the pharmacist is able to reach the prescriber and obtain a verbal, electronic or compliant written prescription.

Important considerations:

- Beginning next year, on October 1, 2008, to be considered tamper resistant, the federal government will require that a prescription pad contain all three of the tamper resistant characteristics noted above.
- Access to electronic prescribing is available to all TennCare providers through Shared Health. You may contact Shared Health at 1-888-283-6691 to find out how to get connected.
- Even if you plan to transmit your prescriptions electronically (via e-prescribe or fax), you will need a supply of tamper resistant prescriptions if you prescribe schedule II controlled substances, since these prescriptions may not be transmitted electronically.

For additional information, contact Wendy Long of the Bureau of TennCare at [wendy.long@state.tn.us](mailto:wendy.long@state.tn.us).



### Medical Practice Services

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[http://health.state.tn.us/Downloads/tamperresistant\\_delay.pdf](http://health.state.tn.us/Downloads/tamperresistant_delay.pdf)

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

1-7-08