

Tamper-Resistant Prescription Pads

UPDATE: An outpouring of advocacy resulted in Congress's vote to delay the implementation of Centers for Medicare & Medicaid requirement for the use of tamper-proof prescription pads for Medicaid beneficiaries.

On 9/26/07, the House passed legislation extending several health care programs set to expire. Included in the bill is a provision that delays the tamper resistant prescription pad requirement for 6 months. The Senate passed their version and the measure now goes before President Bush, who is expected to sign the bill into law. The new implementation date would be April 1, 2008.

Beginning October 1, 2007, handwritten prescriptions for Medicaid outpatient drugs, including over-the-counter medications, will only be reimbursable if written on a tamper-resistant prescription pad.

To be considered tamper resistant on October 1, 2007, a prescription pad must contain **at least one** or more industry-recognized feature to prevent the following:

- 1) Unauthorized copying of a completed or blank prescription form
- 2) Erasure or modification of information written on the prescription by the provider
- 3) Use of counterfeit prescription forms

Beginning October 1, 2008, tamper-resistant pads must contain features to address **all three of the above items**.

Key Items

The following are **exempt** from the tamper-resistant requirement:

- Prescriptions that are paid for by a managed care organization (such as UPMC *for You*, Gateway, Unison, etc).
- Verbal, faxed or electronic prescriptions
- Inpatient hospital services
- Refills of written prescriptions presented at a pharmacy before October 1, 2007
- Medications that are provided directly to the MA recipient by the prescriber

The following are **required** to adhere to the tamper-resistant guidelines:

- Handwritten outpatient prescriptions for Medicaid recipients who participate in the State Medicaid (Fee for Service) pharmacy program regardless of whether Medicaid is the primary or secondary payer of the prescription



- All MA recipients handwritten outpatient prescriptions including hospital discharge, partial hospitalization, outpatient drug and alcohol clinic and independent medical clinics

Other Key Items:

- If the prescription does not comply with the above requirements, the pharmacist may provide the prescribed drug if the MA recipient has an immediate need for the drug. However, the pharmacist must obtain a written compliant tamper-resistant prescription, a verbal order, a facsimile or an electronic prescription within 72 hours of the drug dispense date.
- The Medical Assistance program will not pay for the tamper-resistant prescription pads. A list of approved printers/suppliers is located at:
<http://www.dpw.state.pa.us/General/Bulletins/003673169.aspx?AttachmentId=4093>
- For DPW's FAQ website regarding this information:
http://www.dpw.state.pa.us/Resources/Documents/Pdf/QAs_Tamper_Resistant_091707.pdf

Currently, there is Federal legislation requesting the delay of this mandate, however, no response has been received to date.

We hope you find this information useful and we will keep you apprised of any changes.