



Vermont Health Access  
Pharmacy Benefit Management Program

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## **PHYSICIAN AND PRESCRIBER ALERT!**

### **New Federal Medicaid Law Regarding Tamper-Resistant Prescription Drug Pads**

Section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 sets requirements regarding the use of tamper-resistant prescription drug pads in Medicaid. This was signed into law on May 25, 2007.

The Centers for Medicare and Medicaid Services has indicated that as of October 1, 2007, the following conditions apply for any Medicaid program reimbursement:

- All written prescriptions for **outpatient covered drugs** must be written on **tamper-resistant prescription paper**.\*
- To be considered tamper-resistant as of October 1, 2007, prescription paper must contain one of the following three characteristics:
  - 1) one or more industry-recognized features designed to **prevent unauthorized copying** of a completed or blank prescription form;
  - 2) one or more industry-recognized features designed to **prevent the erasure or modification** of information written on the prescription by the prescriber;
  - or
  - 3) one or more industry-recognized features designed to **prevent the use of counterfeit prescription drug forms**.

**As of October 1, 2008, prescription paper must contain all of these characteristics to be considered tamper-resistant.**

Please note that this is not just a Medicaid issue. Using tamper-resistant prescription pads assures that they cannot be used by anyone other than you and that your prescriptions are used appropriately by the patient you treated.

Prescription pads and paper may be available through local printers. They can be readily obtained through vendors found on the Internet by searching for "tamper-resistant prescription pads."

## Important Points:

- Faxed prescriptions, electronic prescriptions, and prescriptions called into the pharmacy are considered tamper-resistant. If a written prescription seems questionable, a pharmacy will have to call the prescriber and ask for verbal instructions or for a faxed or electronic script to get the drug paid for by Medicaid.
- This requirement is applicable regardless of whether Medicaid is the primary or secondary payer of the prescription being filled.
- This requirement is applicable even if the patient is found eligible for Medicaid after the date of service.
- This requirement is applicable for Medicaid-covered over-the-counter drugs prescribed as part of a treatment plan.
- Under emergency circumstances, the receipt of a compliant written prescription within 72 hours after the fill date is acceptable.
- Drugs provided in nursing facilities, intermediate care facilities for the mentally retarded, and other residential institutional settings **are not excluded** from this requirement.
- This requirement does not apply to refills for written prescriptions presented to the pharmacy prior to October 1, 2007.

### Important Audit Information

CMS requires that state Medicaid agencies audit pharmacies to ensure pharmacy compliance with this regulation. Federal auditors may audit state audit samples. Documentation of compliance will be necessary.

- Please be sure your written prescriptions are compliant with these federal requirements
- Please be sure that you are clearly identified on your pads so that the pharmacy can accurately report you as the prescriber.
- **If it is determined that a payment was made on a claim for a prescription that was not in compliance with the Medicaid tamper-resistant prescription requirements, OVHA must recover the payment. Please help your pharmacies by fully complying with this Medicaid requirement.**