



State of Vermont
Office of Vermont Health Access (OVHA)
Pharmacy Benefit Management Program

**New Federal Medicaid Law Regarding Tamper-Resistant
Prescription Drug Pads – Effective April 1, 2008**

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 April 1, 2008, the following conditions apply for any Medicaid program prescription:

- All written prescriptions for **outpatient covered drugs** must be written on **tamper-resistant prescription paper**.
- To be considered tamper-resistant as of April 1, 2008, 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.

Important Points:

- Faxed prescriptions, electronic prescriptions, and prescriptions called into the pharmacy are considered tamper-resistant. If a written prescription seems questionable, call the prescriber and ask for verbal instructions or for a faxed or electronic prescription.

- 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 covered over-the-counter drugs.
- 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 April 1, 2008.

Important Audit Information

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

- Please be sure that you accept written prescriptions only when they are compliant with the federal requirements.
- Please be sure you retain evidence of faxed, electronic, and telephoned prescriptions.
- Please be sure that you accurately identify the prescriber when submitting claims to OVHA. Misreporting the prescriber is an indication that the prescription is questionable. When in doubt, call the prescriber's office.
- **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.**

Features in Compliance with CMS Guidelines

When accepting tamper-resistant prescriptions, you should be aware of the features that make them compliant with federal regulations. **Below are several examples of compliant features within the categories defined by CMS.**

Category 1 - One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form.	
Feature	Description
“Void” or “Illegal” pantograph	The word “Void” appears when the prescription is photocopied. Due to the word “Void” on faxed prescriptions, this feature requires the pharmacy to document if the prescription was faxed.
Reverse “RX” or White Area on prescription	“Rx” symbol or white area disappears when photocopied at light setting. This feature is normally paired with the “Void” pantograph to prohibit copying on a light setting.
Coin-reactive ink	Ink that changes color when rubbed by a coin – Can be expensive and is not recommended.
Security Back print	Printed on the back of prescription form. The most popular wording for the security back print is “Security Prescription.”
Watermarking	Special paper containing “watermarking.”
Diagonal lines (patented “Void”)	Diagonal lines with the word “void” or “copy.” (Can be distracting or expensive.)
Micro printing	Very small font writing, perhaps acting as a signature line. This is difficult to photocopy and difficult to implement if using computer printer. It is also difficult for a pharmacist to see.

Category 2 – One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber.	
Feature	Description
Uniform non-white background color	Background that consists of a solid color or consistent pattern that has been printed onto the paper. This will inhibit a forger from physically erasing written or printed information on a prescription form. If someone tries to erase or copy, the consistent background color will look altered and show the color of the underlying paper.
Quantity check-off boxes	In addition to the written quantity on the prescription, quantities are indicated in ranges. It is recommended that ranges be 25’s with the highest being “151 and over.” The range box corresponding to the quantity prescribed MUST be checked for the prescription to be valid. See illustration in attached example.
Refill Indicator (circle or check number of refills or “NR”)	Indicates the number of refills on the prescription. Refill number must be used to be a valid prescription.
Pre-print “Rx is void if more than ___ Rxs on paper” on prescription paper.	Reduces the ability to add medications to the prescription. Line must be completed for this feature to be valid. Computer printer paper can accommodate this feature by printing “This space intentionally left blank” in an empty space or quadrant.

Category 2 Continued – One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber.

Feature	Description
Quantity Border and Fill (for computer-generated prescriptions on paper only)	Quantities are surrounded by special characters such as an asterisk to prevent alteration, e.g. QTY **50** Value may also be expressed as text, e.g. (FIFTY), (optional)
Refill Border and Fill (for computer-generated prescriptions on paper only.)	Refill quantities are surrounded by special characters such as an asterisk to prevent alteration, e.g. QTY **5** Value may also be expressed as text, e.g. (FIVE), (optional)
Chemically reactive paper	If exposed to chemical solvents, oxidants, acids, or alkalis to alter, the prescription paper will react and leave a mark visible to the pharmacist.
Paper toner fuser	Special printer toner that establishes a strong bond to prescription paper and is difficult to tamper.
Safety or security paper with colored pattern.	White (or some other color) mark appears when erased. This is expensive paper.

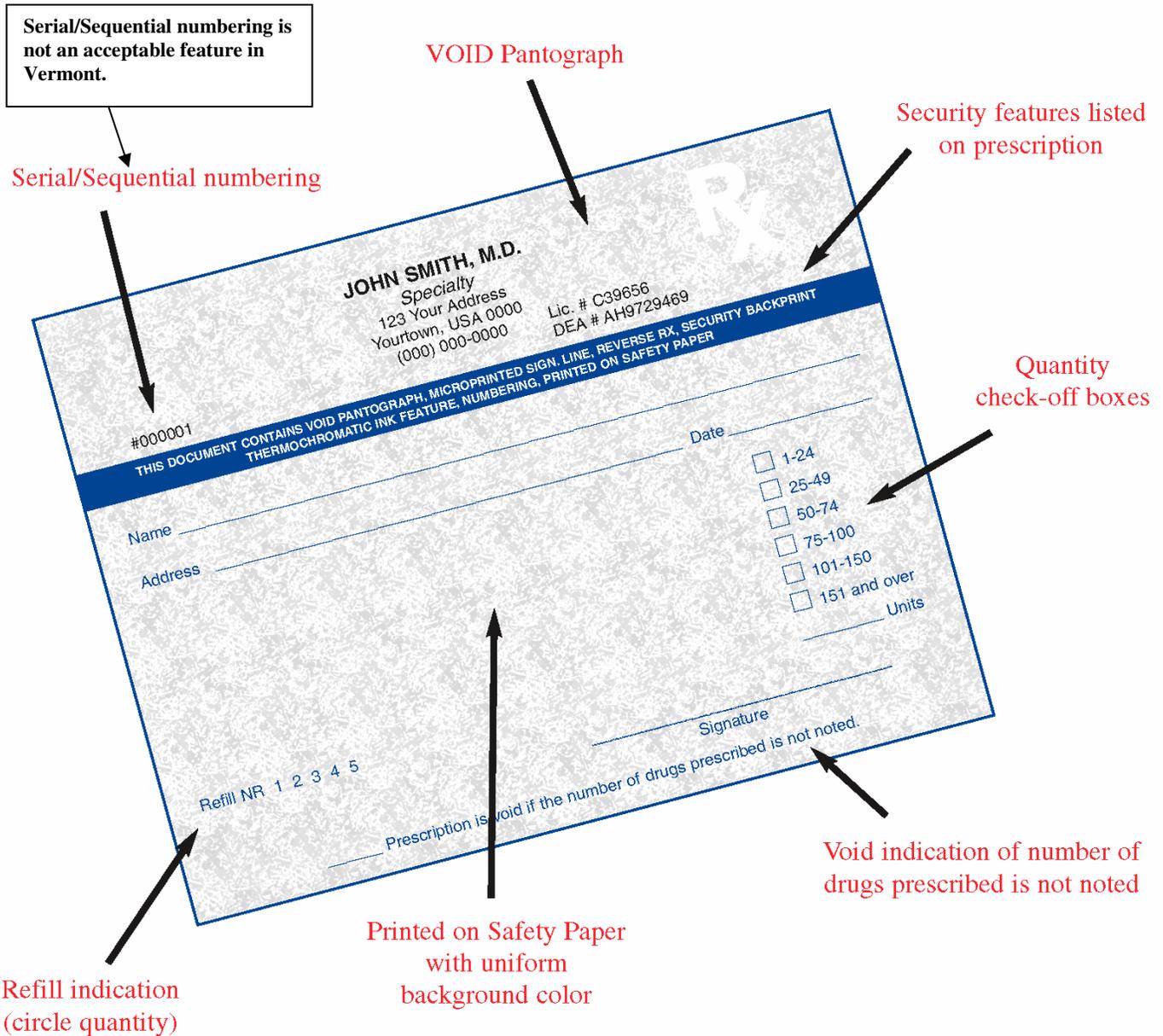
Category 3 - One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

Feature	Description
Security features and descriptions listed on prescriptions	Complete list of the security features on the prescription paper for compliance purposes. This is strongly recommended to aid pharmacists in identification of features implemented on prescription.
Logos	Sometimes used as part of the background color or pantograph.
Metal stripe security	Metal stripe on paper, difficult to counterfeit.
Heat-sensing imprint	By touching the imprint or design, the imprint will disappear.
Invisible fluorescent fibers/ink	Visible only under black light.
Thermo chromic ink	Ink changes color with temperature change. This is expensive paper and problematic for storage in areas not climate controlled.
Holograms that interfere with photocopying	May interfere with photocopying or scanning.

- On the following page is an example of a tamper-resistant prescription pad with approved features.
- If you have questions, please call OVHA at (802) 879-5900.

Appendix 1

Sample Tamper-Resistant Prescription Pad With Recommended Features



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