

Medicaid Information for Pharmacists: March 28, 2008

One Final Reminder...Medicaid Tamper Resistant Prescription Law Becomes Effective on April 1

As we have previously communicated, the Medicaid Tamper Resistant Prescription requirements will be effective beginning April 1, 2008.

<http://www.cms.hhs.gov/pharmacy/downloads/update030508.pdf>

The law applies only to written prescriptions for covered outpatient drugs; prescriptions that are transmitted from the prescriber to the pharmacy verbally, by fax, or through an e-prescription are not impacted by the statute, and so those methods may be used as alternatives to a written prescription. The law applies whenever Medicaid pays any portion of the cost of a prescription.

To be considered tamper resistant on April 1, 2008, a prescription pad must contain at least 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 pad by the prescriber;
3. one or more industry recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, a prescription pad must contain all three of the above characteristics to be considered tamper-resistant.

What can pharmacists do if they are not sure if a prescription meets the requirements?

- Call the prescribing practitioner to obtain verbal confirmation of the prescription and document the confirmation appropriately. (NOTE: the pharmacy does not need to speak to the prescriber directly; a nurse or administrative staff person who is authorized to act on behalf of the prescriber may confirm the prescription.)
- Fill the prescription and obtain documentation within 72 hours. A pharmacy may fill prescriptions on an emergency basis, provided that the pharmacy obtains a compliant prescription within 72 hours after the fill date. The compliant prescription may be in the form of a written prescription on tamper-resistant paper or may be obtained by verbal communication with the prescriber, by facsimile, or by e-prescription.

What resources are available to assist pharmacists with understanding these requirements?

CMS has created a **Fact Sheet** for pharmacists outlining the above information in detail and several other useful frequently asked questions.

<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/tamperapril1.pdf>

Each State Medicaid Agency has also issued its own guidance on this requirement. If pharmacists have any questions about when the tamper-resistant law is applicable, or for additional information about the rules in your State, please contact your State Medicaid Agency. The contact information for each State is listed on the last two pages of the fact sheet.

Additionally, pharmacists can visit the CMS DRA Government Info web page.

http://www.cms.hhs.gov/DeficitReductionAct/30_GovtInfo.asp#TopOfPage

This page contains direct links to CMS' written policy on the tamper resistant prescription requirements; including the letter to State Medicaid Directors;

<http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>

our top questions related to tamper resistant prescriptions;

<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf>

and a policy update for two additional issues (provider additions to otherwise non-tamper

resistant prescriptions and computer generated prescriptions).
<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/TamperUpdate.pdf>

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