



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF MEDICAID BUSINESS AND POLICY

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Nicholas A. Toumpas
Commissioner

Kathleen A. Dunn
Acting Director

February 1, 2008

Re: Tamper-Resistant Prescription Pads

Dear Medicaid Prescriber,

The purpose of this letter is to remind you of the revised implementation date of the federally mandated requirement for all Medicaid prescriptions to be written on tamper resistant prescription pads. Originally scheduled to begin in fall 2007, the new implementation date is **April 1, 2008**.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (H.R. 2206) section 7002(b), pg 76 signed into law on May 25, 2007 and the Centers for Medicare and Medicaid Services (CMS) State Medicaid Director Letter of August 17, 2007 requires that states mandate the use of tamper-resistant prescription pads for the Medicaid Program effective **April 1, 2008**. This new requirement applies to all outpatient drugs, including over the counter drugs in states that reimburse for such items and is applicable regardless of whether Medicaid is the primary or secondary payor for the prescription being filled.

This new requirement does not apply to drugs provided under the following circumstances:

- The refills of written prescriptions presented at a pharmacy before April 1, 2008
- Electronic prescriptions transmitted to the pharmacy
- Prescriptions faxed to the pharmacy from a known medical entity
- Prescriptions communicated to the pharmacy by telephone by a prescriber or their agent
- Emergency fills for prescriptions written on non-tamper resistant pads as long as the prescriber provides the pharmacy with a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. Verbal orders for a prescription written on a non-compliant prescription pad must be documented in writing on the face of the otherwise non tamper-resistant prescription form.

Effective for dates of service on and after April 1, 2008, a prescription pad must include **ONE** of the following numbered characteristics:

1. One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form. Examples include but are not limited to:
 - High security watermark on reverse side of blank
 - Thermo-chromic ink
 - Word(s) such as "VOID" appears when copied
 - Colored security background
 - Security watermark or holograms on the back or front to verify the document is an original
 - Microprinting in border or signature line that cannot be copied

2. One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber. Example includes but is not limited to:
 - Tamper-resistant background ink which would show erasures or any attempts to change written information

3. One or more industry-recognized features designed to prevent the use of counterfeit prescription forms. Examples include but are not limited to:
 - Sequentially numbered blanks
 - Hidden fibers

Effective for dates of service on and after **October 1, 2008**, a prescription pad must contain **ALL THREE** of the numbered characteristics listed.

The Department is not in a position to endorse any specific vendor that supplies tamper-resistant pads. In addition, the Drug Enforcement Administration and New Hampshire Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions for controlled drugs still apply.

The Department encourages prescribers to adopt the use of electronic prescribing as an effective and efficient method of communicating prescriptions to pharmacists for all their patients. The use of electronic prescribing will contribute toward a reduction in unauthorized, improperly altered and counterfeit prescriptions in the most efficient and effective manner possible.

Our program point of contact for this initiative is Doris Lotz, MD, MPH, Medicaid Medical Director who can be reached at 603-271-8166 or dlotz@dhhs.state.nh.us. Our technical support point of contact is Lise Farrand, R.Ph. who can be reached at 603-271-4419 or lfarrand@dhhs.state.nh.us. Please feel free to contact either one in order to acquire any additional information or assistance as may be necessary.

Your cooperation and assistance with this matter is appreciated.

Sincerely,

Kathleen A. Dunn, MPH
Acting Medicaid Director