

Bulletin Number: MSA 07-51

Distribution: Pharmacies, Practitioners (Physicians, Advanced Practice Nurses, Medical Clinics, Oral Surgeons, Podiatrists, FQHCs/RHCs/THCs), Dentists, Vision, Local Health Departments, Family Planning Clinics, Hospitals, Medical Suppliers, Nursing Facilities, Prepaid Inpatient Health Plans, Medicaid Health Plans, Community Mental Health Services Programs and Substance Abuse Coordinating Agencies

Issued: September 1, 2007

Subject: Clarification on Use of Tamper Resistant Prescription Pads

Effective: October 1, 2007

Programs Affected: Medicaid

The purpose of this bulletin is to provide federal guidelines related to the recent mandate for the use of tamper resistant prescription pads for the Medicaid Program as announced in the policy bulletin MSA 07-40. Effective October 1, 2007, Medicaid is mandated by federal law, [U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 (Public 110-28)] to require prescribers and pharmacies to use a tamper resistant pad if writing a prescription for a Medicaid beneficiary not exempted under one of the criteria noted below.

State Medicaid Programs have requested additional guidance from the Centers for Medicare and Medicaid Services (CMS) regarding the requirements transmitted in this bulletin. When guidance is provided, it will be shared in future clarification bulletins.

Exemptions

The law provides a number of exemptions to the requirement that apply to a majority of the Michigan Medicaid beneficiaries. The exemptions:

- Medicaid Health Plan (MHP) or County Health Plan (CHP) enrollee **if** the MHP or CHP is reimbursing the prescription. **NOTE:** The Point of Sale (POS) carve-out drugs listed on the Michigan Department of Community Health (MDCH) Pharmacy Benefits Manager (PBM) website which are reimbursed by MDCH through its PBM, must comply with the tamper resistant pad requirement. A list of the POS carve-out drugs for MHP and CHP enrollees can be found on the MDCH PBM website at www.michigan.fhsc.com
>> Providers >> Drug Information >> Other Drug Information.
- Medicaid fee-for-service (FFS) beneficiaries receiving prescription drugs not separately reimbursable to a pharmacy. This includes drugs provided incident to, or part of, another service, or as part of a per diem payment in the following settings:
 - Nursing Facilities
 - Intermediate Care Facilities for the Mentally Retarded (ICF/MR)
 - Inpatient/Outpatient Hospitals
 - Clinical Settings (hospice, dental, physician office/clinic, laboratory and x-ray, renal dialysis)

A compliant pad is not required if the prescription is transmitted verbally or electronically by telephone, facsimile, or modem to the pharmacy.

Implementation of Tamper Resistant Prescription Pad Policy

The tamper resistant prescription pad policy applies to written prescriptions for Medicaid beneficiaries:

- not meeting one of the exemptions listed above, even when Medicaid is a secondary or tertiary payer for the beneficiary
- who become retroactively enrolled in the Medicaid Program

In the event a pharmacy receives a non-compliant **emergency** prescription, the prescribed drug may be dispensed. However, the **prescriber must provide** to the pharmacy, a compliant prescription within 72 hours of the date the emergency prescription was filled.

Standards for Tamper Resistant Pads

Effective October 1, 2007, the tamper resistant prescription pad must contain at least one of the following three characteristics:

- Prevention of unauthorized copying of a completed or blank prescription form
- Prevention of erasure or modification of information written on the prescription by the prescriber
- Prevention of the use of a counterfeit prescription form

Applicable state and federal requirements for a prescription still apply.

Effective October 1, 2008, a prescriber will be required to use a tamper resistant pad that contains all three of the criteria mentioned above.

Prescribers

Prescribers can check with their current prescription pad vendor or search the Internet for vendors to obtain compliant pads. The following are examples of security features for a tamper resistant prescription:

- Security features printed on the prescription.
- Void pantograph - a latent repetitive "void" pattern that is printed across the entire front document of the prescription blank; the word "void" appears if the script is photocopied, scanned, or physically or chemically erased.
- Watermark - watermark in paper that is printed on the backside of the script that can only be seen at a forty-five (45) degree angle. This verifies the script is an original.
- Chemical void protection - prevents alteration by chemical washing.
- Heat-sensitive ink
- Anti-copy coin rub

Nursing Facilities

Any physician prescription order forwarded from a nursing facility to a pharmacy via a paper document, must comply with the tamper resistant prescription pad policy. As previously noted, the policy does not apply to prescription orders transmitted verbally or electronically by telephone, facsimile, or modem to the pharmacy, or those drug products included in the facility's per diem rate.

Pharmacies

A pharmacy can dispense a refill for a prescription that was originally written on a non-compliant pad prior to October 1, 2007. A pharmacy cannot accept a written drug prescription, except in the case of emergency prescriptions received from a beneficiary (as noted above), if it is executed on a non-compliant pad. A pharmacy can contact the prescriber to obtain a verbal, faxed or electronic prescription (except for Schedule 2 drugs) if a beneficiary presents a non-compliant written prescription.

Pharmacy to pharmacy transfer of prescriptions must comply with the tamper resistant prescription pad policy

MDCH will recover inappropriate payments made for noncompliant claims identified in post payment review.

Manual Maintenance

Retain this bulletin until the information has been incorporated into the Michigan Medicaid Provider Manual.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Community Health, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mail at ProviderSupport@michigan.gov. When you submit an e-mail, be sure to include your name, affiliation, and phone number so you may be contacted if necessary. Providers may phone toll-free 1-800-292-2550.

Approved



Paul Reinhart, Director
Medical Services Administration