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MEMORANDUM

ACS M07-13

TO: Medicaid Physicians, Dentists, Physician Assistants, Advanced Practice Registered Nurses, Optometrists, Medicaid Participating Hospital Emergency Rooms, Other Providers with Prescribing Authority and Pharmacy Providers

FROM: Lois Lee, Acting Med-QUEST Division Administrator *ll*

SUBJECT: FEE-FOR-SERVICE (FFS) PROGRAM ONLY

TAMPER-RESISTANT PAPER PRESCRIPTIONS ARE REQUIRED FOR
MEDICAID REIMBURSEMENT EFFECTIVE OCTOBER 1, 2007

Section 7002 (b) of the United States Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007¹ that was recently enacted states effective **October 1, 2007** all written prescriptions will only be reimbursable if on a tamper-resistant prescription paper and/or pad (TRPP) for Medicaid FFS outpatient drugs.

The Centers for Medicare and Medicaid Services (CMS) has mandated this change to reduce fraud and abuse. Prescriptions are being forged and altered everyday adversely impacting lives. CMS has provided limited guidance on this new directive. Until further direction from CMS is provided, the Med-QUEST Division (MQD) is implementing the following program to minimize the impact to the prescriber, pharmacy providers and recipients.

¹Section 7002 (b) amends 1903b(i) of the Social Security Act 42 USC193b(i), by adding a new paragraph (23), which states that payment shall not be made for..."amounts expended for medical assistance for covered outpatient drugs [as defined in section 1927(k)(2)] for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on tamper-resistant pad."

Beginning **October 1, 2007**, the requirements for TRPP are defined as the following:

- All prescribers writing a prescription for Medicaid FFS recipients must comply for medication claims to be reimbursed by Medicaid.
 - This applies whether Medicaid is the primary or the secondary payor (except for State funded programs).
 - For example, TRPP must be used for prescriptions being filled for the dual eligible population: Medicare as the primary payor and Medicaid as the secondary payor.
- TRPP must be used for all drugs: Over-the-counter (OTC), non-controlled and controlled.
- An emergency fill can be dispensed if the prescription is written on non-TRPP, as long as the prescriber provides a faxed, electronic, oral/telephone or compliant written prescription on TRPP within 72 hours after the date on which the prescription was filled. In an emergency situation, this allows a pharmacy to telephone a prescriber to obtain a verbal order for a prescription written on a non-compliant prescription pad.
- **The TRPP must have at least one (1) of the following industry-recognized safety features²** as listed in the following table:

Required Tamper-Resistant Characteristics (One Or More Industry-Recognized Features)	Examples (Include But Are Not Limited To The Following)
1. Erasure or modification of information written on the prescription by the prescriber; or	Distinctive security background.
2. Use of counterfeit prescription forms; or	Watermark – verifying the document is original by sight or touch.
3. Unauthorized copying of a completed or blank prescription form.	“VOID” – appearing on the document when photocopied.

On **October 1, 2008**, the CMS requirement for TRPP will change to the following: **All three (3)** of the previously mentioned industry-recognized safety features are to be contained on the TRPP².

²The Centers for Medicare and Medicaid Services (CMS) letter to State Medicaid Directors (SMDL #07-012, 8/17/07).

TRPP may be ordered from various printers. California's Medicaid program (Medi-Cal) currently requires TRPP for controlled drugs. You may review California's Office of the Attorney General's website at www.ag.ca.gov/bne/security_printer_list.php for a list of printers that already provide TRPP. Websites can also be found on the internet by searching for "tamper-resistant prescription pads". These may be helpful for more information regarding TRPP and available security features. Please direct printers that may contact you to the home page of the MQD website at www.himed-questffs.org for the minimum requirements for TRPP.

The following prescriptions are not impacted by the TRPP requirements (also see Table 1):

- Oral/telephone prescriptions by the prescriber to the pharmacy;
- Faxed prescriptions (should be written on NON-TRPP) from the prescriber to the pharmacy;
- Electronic prescriptions (e-prescriptions);
- When a QUEST (managed care) plan is the payor;
- When the prescription was originally filled prior to October 1, 2007 and refills are obtained on or after October 1, 2007; and
- State funded programs [100% State funds, such as the State Prescription Assistance Program (SPAP) or the Contingency Plan].

Note: Drug Enforcement Administration (DEA) and Hawaii Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions for Schedule II drugs still apply.

If you have questions regarding Medicaid drug claims processing, please contact the ACS PBM Call Center at 1 (877) 439-0803.

Attachment

**Table 1: Medicaid Fee-For-Service Prescription Requirements
As of October 1, 2007**

Prescription Type	NO CHANGE
Oral/Telephone	
Faxed	<ul style="list-style-type: none"> • Should be written on NON-tamper-resistant prescription paper. • Should contain the name of the receiving pharmacy.
Electronic (e-prescription)	
Handwritten	<ul style="list-style-type: none"> • When a QUEST (managed care) plan is the payor. • 100% State funds; i.e., State Prescription Assistance Program (SPAP) or Contingency Plan.
Refills	When the prescription was originally filled prior to October 1, 2007 and refills are obtained on or after October 1, 2007.

Prescription Type	CHANGES In CMS Requirement for Medicaid Reimbursement	Effective Date
Handwritten	<p>Must be written on a tamper-resistant prescription pad.</p> <ul style="list-style-type: none"> • Which has at least one (1) of the CMS and industry-recognized safety features¹, to prevent the <ol style="list-style-type: none"> 1. Erasure or modification of information written on the prescription by the prescriber, i.e., Distinctive Security Background; or 2. Use of counterfeit prescription forms, i.e., Watermark for verifying the document is original by sight or touch; or 3. Unauthorized copying of a completed or blank prescription form, i.e., “VOID” appearing on the document when photocopied. • Whether Medicaid is the primary OR the secondary payor (except for State funded programs). <p>Friendly reminder:</p> <ul style="list-style-type: none"> • “CII” drugs require a paper prescription. 	<u>October 1, 2007</u>

Prescription Type	CHANGES In CMS Requirement for Medicaid Reimbursement	Effective Date
Handwritten	Must be written on a tamper-resistant prescription pad, which contains all three (3) of the CMS and industry-recognized safety features.	October 1, 2008

¹The Centers for Medicare and Medicaid Services (CMS) letter to State Medicaid Directors (SMDL #07-012, 8/17/07).