



MEDICAL ASSISTANCE BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

ISSUE DATE
March 21, 2008

EFFECTIVE DATE
April 1, 2008

NUMBER
99-08-03

SUBJECT
Tamper Resistant Prescription Pads

Michael Nardone
Michael Nardone, Deputy Secretary
Office of Medical Assistance Programs

IMPORTANT REMINDER: Have you obtained and registered your **National Provider Identifier (NPI) number**? Don't delay! **Payments may deny on May 23, 2008** if you are a health care provider who is required to submit with an NPI.

PURPOSE:

The purpose of this bulletin is to remind providers enrolled in the Medical Assistance (MA) Program that on and after April 1, 2008, providers must use tamper-resistant prescriptions when writing prescriptions for outpatient drugs for MA recipients in the fee-for-service delivery system, including the ACCESS Plus Program. The bulletin supersedes MA bulletin 99-07-16, titled "Tamper Resistant Prescription Pads", issued on September 28, 2007 and effective October 1, 2007.

SCOPE:

This bulletin applies to all providers enrolled in the MA Program who write outpatient drug prescriptions for MA recipients in the fee-for-service delivery system, including the ACCESS Plus Program.

BACKGROUND/DISCUSSION:

Section 7702(b) of the U.S. Troop Readiness, Veteran's Health Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 110-28), amended Section 1903(i) of the Social Security Act (the Act), 42 U.S.C. § 1396b(i), by adding new subparagraph (23). The amendment requires that prescriptions for covered outpatient drugs be written on a tamper-resistant prescription pad/paper in order to be eligible for MA payment. The requirement applies only to written prescriptions for outpatient drugs, including over-the-counter drugs, presented for payment in the fee-for-service delivery system; it does not apply to written prescriptions presented for payment in the managed care delivery system.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The appropriate toll-free number for your provider type.

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap

This requirement applies to written prescriptions for all MA recipients in the fee-for-service delivery system, including:

- Medicare recipients (“dual-eligibles”) for those drugs covered by the MA Program and not covered by Medicare Parts B or D;
- MA recipients in HealthChoices Behavioral Health managed care organizations, if the prescription is paid by the fee-for-service delivery system;
- MA recipients with primary private insurance, whose outpatient prescription drugs are paid by the fee-for-service delivery system;
- MA recipients being discharged from an inpatient hospital setting when the MA Program pays for prescribed drugs on an outpatient payment basis in the fee-for-service delivery system;
- MA recipients being discharged from a nursing facility when the MA Program pays for prescribed drugs on an outpatient payment basis in the fee-for-service delivery system; and
- MA recipients receiving outpatient hospital clinic or independent medical clinic, outpatient psychiatric clinic, outpatient drug and alcohol clinic, or psychiatric partial hospitalizations services when the MA Program pays for prescribed drugs on an outpatient basis in the fee-for-service delivery system.

The Federal requirement applies to all prescriptions for MA recipients, regardless of whether the prescriber is enrolled in the MA Program, if the MA Program will pay for the prescription.

On September 29, 2007, President George W. Bush signed the “Transitional Medical Assistance, Abstinence Education and QI Programs Extension Act of 2007”, Public Law 110-90, which postponed the October 1, 2007 implementation date for requiring that written outpatient drug prescriptions be on tamper-resistant prescription pads/paper. Under the new law, effective with dates of service on or after April 1, 2008, all written outpatient prescriptions, including prescriptions for over-the-counter drugs, for MA recipients in the fee-for-service delivery system, including the ACCESS Plus Program, must be written on tamper-resistant prescription pads/paper.

The Federal requirement does not change the scope of drug benefit coverage available under the MA Program.

The requirement does not apply to:

- verbal, facsimile or electronically transmitted prescriptions;
- refills of existing prescriptions when the original written prescription was presented to the pharmacy on or before March 31, 2008;
- written prescriptions for MA recipients presented for payment in the managed care delivery system;
- original written prescriptions for recipients who are determined retroactively eligible for MA;

- prescriptions written for MA recipients who live in nursing facilities, intermediate care facilities, and other similar institutional and clinical settings when the prescriber or medical staff write the order into the medical record and the order is transmitted by telephone, facsimile or electronically by medical staff directly to the pharmacy; and
- drugs dispensed by dispensing providers.

According to the guidance issued by the Centers for Medicare and Medicaid Services (CMS), by April 1, 2008, written prescriptions for outpatient drugs for MA recipients must be written on tamper-resistant prescription pads/paper that have one of the following 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 erasure or modification of information written on the prescription by the provider;
- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

Effective with dates of service on and after October 1, 2008, written prescriptions for outpatient drugs for MA recipients must be written on tamper-resistant prescription pads/paper that have all three of the Federally prescribed characteristics.

Indelible ink or any other feature added to a prescription pad/paper after it has been printed, including the writing out of drug quantities or use of embossed logos, will not meet the Federal tamper-resistant prescription pad/paper requirements.

The intent of the Federal requirements are to ensure that compliant tamper-resistant prescription pads/paper will prevent erasure or modification of the prescription information, unauthorized copying of the prescription, and use of counterfeit prescription pads/paper.

Additionally, CMS clarified requirements for computer-generated prescriptions. Between April 1 and October 1, 2008, computer-generated prescriptions can be printed on plain paper, as long as it prevents erasure or modification of information contained in the prescription or use of counterfeit forms. However, plain paper will not prevent unauthorized copying, so plain paper will not be sufficient after October 1, 2008. Paper that prevents unauthorized copying could include:

- Watermarks
- Micro-printing
- Paper on which the word "void" appears when copied.

Pharmacists may fill a prescription that is not tamper resistant on an emergency basis as long as the prescriber provides a verbal, faxed or electronic prescription or a written prescription using a tamper-resistant prescription pad/paper, to the pharmacist within 72 hrs after the prescription is filled.

PROCEDURE:

Effective with dates of service on and after April 1, 2008, written prescriptions for MA recipients must be written on tamper-resistant prescription pads/paper that have one of the Federally prescribed characteristics. Examples that meet the required characteristics are as follows:

- 1) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form include but are not limited to the following:
 - a “latent” void pattern printed across the entire width of the prescription blank, such that when copied, the word “void” appears across the entire front of the prescription
 - a watermark that can be read only by holding the original at a 45-degree angle
 - a micro-line that is so small that it can be read only with a magnifier on the original but cannot be read from a copy
- 2) one or more industry-recognized features designed to prevent erasure or modification of information written on the prescription by the provider include but are not limited to the following:
 - erasure-protected backgrounds such as green or blue
 - paper that contains solvent reactive products which prevent washing of a prescription
 - paper that contains a word or symbol printed with ink that disappears if rubbed or scratched too briskly

NOTE: CMS further clarified that the use of “indelible ink” on a prescription **does not meet** the requirement of this prescribed characteristic.

- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms include but are not limited to the following:
 - warning bands on the top and bottom of the form with security features
 - thermo-chromatic ink that changes color when exposed to heat
 - a thermal reactive patch that lightens or disappears when touched, rubbed or breathed on that will re-darken when cooled

Effective with dates of service on and after October 1, 2008, written prescriptions for outpatient drugs for MA recipients must be written on tamper-resistant prescription pads/paper that have all three of the Federally prescribed characteristics identified above.

Effective with dates of service on and after April 1, 2008, the Department of Public Welfare (Department) will require pharmacy providers to populate the National Council for Prescription Drug Programs (NCPDP) Version 5.1, field 419-DJ - Prescription Origin Code, using the following codes, to identify how the pharmacy received the prescription:

- 1 - written prescription;
- 2 - telephone prescription;
- 3 - electronic prescription;
- 4 - facsimile prescription.

More specific information about this new Federal requirement may be found in the Frequently Asked Questions and Answers that are posted on the Department's website at the following website address:

[http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/MAPharmPr
og/](http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/MAPharmPr
og/)

The Department will update the questions and answers periodically as additional Federal clarification is provided.

ATTACHMENT: Approved Tamper Resistant Prescription Pad Suppliers