



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

ALBERT HAWKINS
EXECUTIVE COMMISSIONER

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**** Important Medicaid Information ****

Tamper-Resistant Prescriptions - Update

The Centers for Medicare and Medicaid Services (CMS) previously stated that prescriptions printed from electronic medical records (EMRs) or E-Prescribing applications would need special copy-resistant paper to be in compliance with the tamper-resistant prescription pad regulation. CMS has recently clarified this regulation and has stated that prescriptions printed from EMRs or E-Prescribing applications may be printed on plain paper and will be fully compliant if they contain at least one feature from each of the three compliance categories listed on page 2.

CMS has identified at least two features that can be incorporated into computer generated prescriptions printed on plain paper to prevent passing a copied prescription as an original prescription. One feature would be the use of a very small font that is readable when viewed at 5x magnification or greater, and illegible when copied. Another feature would be a "void" pantograph accompanied by a reverse "Rx", which causes a word such as "Void" to appear when the prescription is photocopied.

The National Council for Prescription Drug Programs (NCPDP) has developed guidance and examples of best practices of tamper-resistant prescriptions (handwritten and EMR generated). NCPDP also developed a summary of features, including the best practices above. Both are available for your reference at the following website:
http://www.txvendordrug.com/tamper_resistant_rx.html.

The *Questions and Answers* document, previously provided by the Texas Health and Human Services Commission (HHSC) Vendor Drug Program, was modified to include the EMR or E-Prescribing clarification and is available at the following website:
http://www.txvendordrug.com/tamper_resistant_rx.html.

Review of CMS Requirement Effective October 1, 2008

Effective October 1, 2008, CMS requires all written Medicaid prescriptions for outpatient drugs, including those sold over the counter, to be on tamper-resistant prescription pads. The regulation applies to all written prescriptions submitted for payment through the HHSC Vendor Drug Program, but will not apply to prescription orders sent to a pharmacy electronically or by telephone or fax.

For prescriptions to be considered tamper resistant by CMS, the federal law specifies that the pad must meet *all* of the following characteristics by October 1:

- Prevent unauthorized copying of completed or blank prescription forms.
- Prevent erasure or modification of information written on the prescription form.
- Prevent the use of counterfeit prescription forms.

At the request of state and national pharmacy and medical associations, HHSC agreed to require that all three of the characteristics be met for all written Medicaid prescriptions effective April 1, 2008.

Access to Care

If a Medicaid recipient presents a non-compliant prescription, the pharmacist can obtain telephone verification from the prescriber and dispense the prescription in full (as written). The pharmacist must note the verification on the original written prescription. The pharmacist may also fill the prescription and obtain a compliant prescription by facsimile, electronic prescription, or re-written on tamper-resistant paper within 72 hours after the date the prescription was filled.

Obtaining Prescription Pads

Prescribers may select their supplier of CMS-compliant prescription pads. The following websites list vendors that comply with the requirements of states that already mandate tamper-resistant prescription pads for some or all prescriptions. The vendors listed below can meet or exceed all three CMS requirements:

- **California:** http://www.ag.ca.gov/bne/security_printer_list.php
- **Florida:** http://floridamedicaid.consultec-inc.com/XJContent/RX_07_071003_Prescription_Pad_List_ver1.2.xls?id=000005500053
- **Indiana:** <http://www.in.gov/pla/3207.htm>
- **Maine:** <http://www.mainearepdl.org/index.pl/home/tamper-resistant-prescription-pads>

Additional Resources:

Centers for Medicare & Medicaid Services (CMS):
http://www.cms.hhs.gov/DeficitReductionAct/30_GovtInfo.asp

If you have any questions, please contact:

- Vendor Drug Field Administration Pharmacists
 - Ft. Worth – Loretta Disney, R. Ph. (817) 321-8092
 - Ft. Worth – Walter Reynolds, R. Ph. (817) 321-8090
 - San Antonio – Sharon Gaskill, R.Ph. (210)619-8167
 - McAllen – Belinda Cordova, R.Ph. (956)971-1281
- Vendor Drug Pharmacy Resolution Desk
 - (800) 435-4165
- Vendor Drug website – www.txvendordrug.com