A new Federal requirement is set to take effect on April 1 that will require all written Medicaid prescriptions be on tamper-resistant prescription pads. Below are frequently asked questions (FAQs) to help guide pharmacists through this new requirement.

Q: When does the tamper-resistant prescription pad requirement start?
A: On April 1, 2008, all hand-written (which includes computer-generated) Medicaid prescriptions will need to have at least one approved tamper-resistant feature to prevent: copying, erasure, or counterfeiting. Starting October 1, 2008, all hand-written Medicaid prescriptions must have at least one feature from all three of the previously mentioned categories.

Q: Could my pharmacy be audited by State Medicaid after this new requirement starts?
A: Yes. This requirement will be one of the auditable categories that could be documented during a state Medicaid audit.

Q: What are the penalties?
A: Non-compliance with the new Federal tamper-resistant prescription pad requirement could result, at a minimum, in recoupment of Medicaid reimbursement.

Q: Does this requirement pertain to prescriptions received by fax, telephone or electronically?
A: No. Since fax, telephone, and electronic prescriptions are sent directly to the pharmacy, they are excluded from the new Federal requirements. The direct communication from the physician/prescriber to the pharmacist is considered tamper-resistant.

Q: Does the tamper-resistant requirement apply to over-the-counter (OTC) products?
A: Yes. OTC products that require a prescription for reimbursement under Medicaid must be written on a tamper-resistant prescription pad.

Q: Could the action of a pharmacist calling back a prescriber and making appropriate documentation on the original non-compliant prescription count as a compliant prescription during a Medicaid audit?
A: Likely. Documentation by the pharmacist of verbal confirmation of a non-compliant written prescription should satisfy the requirement. However it is recommended that pharmacists check with their state Medicaid agency to confirm this policy.

Q: Does this requirement pertain to prescriptions that are written using a computer and printed on standard paper?
A: Yes. Any prescription that is transferred to paper (whether by writing or by printing) must be on a tamper-resistant prescription pad/paper.

Q: Does the tamper-resistant requirement apply to durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) supplies, such as diabetic testing strips?
A: No. The tamper-resistant prescription pad requirement only applies to medications.

Q: How does this provision apply to discharge prescriptions for a Medicaid patient when they leave an inpatient setting with prescriptions to be filled at an outpatient pharmacy?
A: A written order prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy is considered “tamper-resistant,” so long as the patient never handles that written order. If the patient handles the prescription it must be on a tamper-resistant prescription pad.
Q Sometimes my patients become Medicaid-eligible retroactively. If not originally written on tamper-resistant prescription pads, will their original prescriptions need to be corrected?
A No. If presented to the pharmacy before April 1, an original written prescription does not need to be written on a tamper-resistant prescription pad/paper. However, refills and all subsequent prescriptions will need to be written on tamper-resistant prescription pads.

Q What do I do if I receive a hand-written Medicaid prescription from another state?
A You must first determine which state Medicaid program is going to pay for the prescription and then make sure that the prescription meets that state’s tamper-resistant prescription pad requirements. The National Association of State Medicaid Directors has state-specific materials available on its Web site at www.nasmd.org/issues/TRPP.asp.

Q How can I determine if a prescription is written on a compliant tamper-resistant prescription pad for my State?
A It is recommended that you contact your state Medicaid agency to determine the appropriate requirements for your state. The National Association of State Medicaid Directors also has state-specific materials available on its Web site at: www.nasmd.org/issues/TRPP.asp.

Additionally, the National Council for Prescription Drug Programs (NCPDP) and national pharmacy associations have created a guidance document available at www.ncpdp.org/pdf/Final_ltr_to_medicaid_directors.pdf to help pharmacists identify tamper-resistant features and determine if they comply with the new Federal requirement. It has been strongly recommended that states require vendors to list the security features on the prescription pad or paper. This feature will help pharmacists identify tamper-resistant prescriptions.

Q Where can I view a sample tamper-resistant prescription pad?
A A sample tamper-resistant prescription pad is contained here: www.ncpdp.org/pdf/Final_ltr_to_medicaid_directors.pdf.

Q What can I do if a Medicaid patient brings in a prescription on a non-compliant prescription pad?
A Pharmacists can dispense emergency fills of non-controlled or controlled substances. Emergency fills can be for any amount up to the full prescription amount, but many states have set limits on emergency fills. The pharmacy should check its state requirements to see what that limit may be, but in most states it is 72 hours. Pharmacies should remember that they will be at financial risk for the amount of the emergency supply if the prescriber does not respond with a compliant prescription within the 72 hours; there is no mandate on prescribers to reply in that time frame.

Q Where can I go to find out more information?
A For more information about the tamper-resistant prescription pad requirement, contact your state Medicaid agency, visit CMS’ Web site at www.cms.hhs.gov/DeficitReductionAct/30_GovtInfo.asp or contact your national, local or state pharmacy association. The National Association of State Medicaid Directors also has state specific materials available on its Web site at www.nasmd.org/issues/TRPP.asp.

Q What if my state already has pre-existing requirements?
A The Centers for Medicare & Medicaid Services (CMS) has recognized certain states with existing requirements (California, Florida, Indiana, Kentucky, Maine, Massachusetts, New Jersey, New York, Texas, Wyoming) and, with one exception, has deemed them to already meet the new Federal requirements. CMS has noted that the existing Idaho requirements comply with the April 1, 2008 deadline only.