IDAHO DEPARTMENT OF
HEALTH & WELFARE

C.L. "BUTCH" OTTER – Governor
RICHARD M. ARMSTRONG – Director

LESLIE M. CLEMENT - Administrator
DIVISION OF MEDICAID
Post Office Box 83720
Boise, Idaho 83720-0036
PHONE: (208) 334-5747
FAX: (208) 364-1811

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To: Prescribing Providers, Pharmacists, and Outpatient Pharmacies

From: Leslie M. Clement, Administrator
Division of Medicaid

Subject: Tamper-Resistant Prescription Forms

Idaho Medicaid will implement new Federal requirements that limit payments for Medicaid covered outpatient drugs (as defined in section 1927(k)(2) of the Social Security Act) when the prescription is in written (non-electronic) form unless the prescription was executed on a tamper-resistant form. The original legislation passed by the U.S. Congress required an October 1, 2007 implementation date. Subsequent legislation delayed that implementation by six months, or until April 1, 2008. **This Information Release is intended to give providers the opportunity to prepare for the April 1, 2008 implementation of these regulations.** Idaho Medicaid will continue to monitor Federal legislative activity and inform providers of any changes.

Beginning April 1, 2008, all written prescriptions presented to a pharmacy for Medicaid participants must be written on a tamper-resistant prescription form. This requirement applies to all legend and over-the-counter written prescriptions in non-electronic format when Idaho Medicaid is the primary or secondary payer.

Currently any prescription for scheduled drugs must be written on a tamper-resistant prescription form. The tamper-resistant forms currently authorized for use in Idaho meet one of three Federal guidelines, and may be used for written prescriptions through September 30, 2008.

Beginning October 1, 2008, to be considered tamper resistant, a prescription form must meet all of the following characteristics including:

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 the erasure or modification of information written on the prescription by the prescriber.

3) One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

Drug Enforcement Administration and Idaho Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions for Schedule II drugs still apply.

Exceptions

Exempt from the tamper-resistant requirement are Medicaid prescriptions that are:

- Paid by managed care organizations.
- Provided in inpatient hospital settings.
- Provided in institutional settings where the drug is not separately reimbursed, but is reimbursed as part of a total service.
- E-prescribed, faxed to the pharmacy from the provider's office, or telephoned to the pharmacy by the provider.
- Refills for which the original prescription was filled before April 1, 2008.

Access to Care

The intent of this program is to reduce forged and altered prescriptions and to deter drug abuse. It is not the intent of the program to inconvenience a person seeking to have a valid prescription filled. Emergency fills for prescriptions written on non-tamper resistant forms are permitted as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription 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 any prescription written on a non-compliant prescription form. The pharmacy must document the call on the face of the written prescription.

Additional Resources

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (H.R. 2206), section 7002(b).

Centers for Medicare & Medicaid Services (CMS) letter to State Medicaid Director (SMDL #07-012) - http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf.

CMS frequently asked questions concerning the tamper-resistant prescription pad law - http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf.