

***Tamper Resistant Prescription Pad/Paper Mandate
Effective April 1, 2008***

Effective April 1, 2008, all non-electronic prescriptions must be written on tamper-resistant pads/paper in order to be eligible for reimbursement by Medicaid. The tamper resistant prescription pads/paper requirement applies to all outpatient drugs, including over-the-counter drugs. It also applies whether DOM is the primary or secondary payer of the prescription being filled. This new provision impacts all DOM prescribers: physicians, dentists, optometrists, nurse practitioners and other providers who prescribe outpatient drugs.

The Centers for Medicare & Medicaid Services (CMS) has issued guidance to the States in implementing the new federal requirement. This guidance allows for compliance with the tamper-resistant prescription pad/paper requirement to occur in two phases. For the first phase, a prescription must contain at least one of the three features outlined below by April 1, 2008, in order to be considered “tamper-resistant.” All three features are required on the prescription pads by October 1, 2008.

DOM encourages providers to implement all security features by April 1, 2008 to be in compliance with all program requirements. Note that computer generated prescriptions are not exempt from the CMS mandate.

The features listed below are recommended as best practice tamper resistant features by a national taskforce including representatives from CMS, State Medicaid agencies, and national medical and pharmacy organizations. Features listed in bold tend to be less costly and easier for prescribers to implement.

| Category 1 – One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form. | |
|--|---|
| Feature | Description |
| “Void” or “Illegal” Pantograph | The word “Void” appears when the prescription is photocopied. Due to the word “Void” on faxed prescriptions, this feature requires the pharmacy to document if the prescription was faxed. |
| Reverse “RX” or White Area on prescription | “Rx” symbol or white area disappears when photocopied at light setting. This feature is normally paired with the “Void” pantograph to prohibit copying on a light setting. |
| Coin-reactive ink | Ink that changes color when rubbed by a coin – Can be expensive and is not recommended. |
| Security Back print | Printed on the back of prescription form. The most popular wording for the security back print is “Security Prescription” or the security back print can include the states name. |
| Watermarking (forderiner) | Special paper containing “watermarking”. |
| Diagonal lines (patented “Void”) | Diagonal lines with the word “void” or “copy”. Can be distracting or expensive. |
| Micro printing | Very small font writing, perhaps acting as a signature line. This is difficult to photocopy and difficult to implement if using computer printer. It is also difficult for a pharmacist to see. |

| Category 2 - One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber. | |
|--|--|
| Feature | Description |
| Uniform non-white background color | Background that consists of a solid color or consistent pattern that has been printed onto the paper. This will inhibit a forger from physically erasing written or printed information on a prescription form. If someone tries to erase or copy, the consistent background color will look altered and show the color of the underlying paper. |
| Quantity check off boxes | In addition to the written quantity on the prescription, Quantities are indicated in ranges. It is recommended that ranges be 25's with the highest being "151 and over". The range box corresponding to the quantity prescribed MUST be checked for the prescription to be valid. See illustration in Appendix 1. |
| Refill Indicator (circle or check number of refills or "NR") | Indicates the number of refills on the prescription. Refill number must be used to be a valid prescription. |
| Pre-print "Rx is void if more than ___ Rx's on paper" on prescription paper | Reduces the ability to add medications to the prescription. - Line must be completed for this feature to be valid. Computer printer paper can accommodate this feature by printing "This space intentionally left blank" in an empty space or quadrant. |
| Quantity Border and Fill (for computer generated prescriptions on paper only) | Quantities are surrounded by special characters such as an asterisk to prevent alteration, e.g. QTY **50** Value may also be expressed as text, e.g. (FIFTY), (optional) |
| Refill Border and Fill (for computer generated prescriptions on paper only) | Refill quantities are surrounded by special characters such as an asterisk to prevent alteration, e.g. QTY **5** Value may also be expressed as text, e.g. (FIVE), (optional) |
| Chemically reactive paper | If exposed to chemical solvents, oxidants, acids, or alkalis to alter, the prescription paper will react and leave a mark visible to the pharmacist. |
| Paper toner fuser | Special printer toner that establishes strong bond to prescription paper and is difficult to tamper. |
| Safety or security paper with colored pattern | White (or some other color) mark appears when erased. This is expensive paper. |

| Category 3 – One or more industry-recognized features designed to prevent the use of counterfeit prescription forms. | |
|---|---|
| Feature | Description |
| Security features and descriptions listed on prescriptions | Complete list of the security features on the prescription paper for compliance purposes. This is strongly recommended to aid pharmacists in identification of features implemented on prescription. |
| Encoding techniques (bar codes) | Bar codes on prescription. Serial number or Batch number is encoded in a bar code. |
| Logos | Sometimes used as part of the background color or pantograph. |
| Metal stripe security | Metal stripe on paper, difficult to counterfeit. |
| Heat sensing imprint | By touching the imprint or design, the imprint will disappear. |
| <i>Invisible fluorescent fibers/ink</i> | <i>Visible only under black light.</i> |
| <i>Thermo chromic ink</i> | <i>Ink changes color with temperature change. This is expensive paper and problematic for storage in areas not climate controlled.</i> |
| <i>Holograms that interfere with photocopying</i> | <i>May interfere with photocopying or scanning.</i> |

Per CMS guidance, pharmacies that are presented with a prescription on a non-tamper-resistant prescription pad/paper may satisfy the federal requirement by calling the provider's office and verbally confirming the prescription with the physician or prescriber. The pharmacy shall document through placement on the original non-compliant prescription form that such communication and confirmation has taken place.

Prescriptions that the federal requirement does not apply to:

- E-prescriptions transmitted to the pharmacy;
- Prescriptions faxed to the pharmacy;
- Prescriptions communicated to the pharmacy by telephone by a prescriber;
- Transfer of a prescription between two pharmacies, provided that the receiving pharmacy is able to confirm by facsimile or phone call the authenticity of the tamper-resistant prescription with the original pharmacy;
- Written orders prepared in an institutional setting (which include Intermediate Care Facilities and Nursing Facilities), provided that the beneficiary never has the opportunity to handle the written order and the order is given by licensed staff directly to the dispensing pharmacy;
- Drugs dispensed or administered directly to the beneficiary in the physician's office or clinic;
- Written prescriptions dispensed to MS Medicaid beneficiaries who become retroactively eligible after April 1, 2008, provided the prescription was filled on or after April 1, 2008, and before the beneficiary became retroactively eligible for MS Medicaid;
- Emergency fills, provided that the prescriber provides a verbal, faxed, electronic or compliant written prescription within 72 hours;
- Refills of written prescriptions presented at a pharmacy before April 1, 2008;
- Written prescriptions paid for by Medicare, a Medicare Part D plan or Medicare Advantage Plan, unless MS Medicaid fee-for-service is a secondary payer. Part D excluded drugs paid for by Medicaid must be executed on tamper-resistant pad/paper¹.

¹ Prescriber may not know when Medicaid is the primary or secondary payer for MS Medicaid beneficiaries; therefore, the Division of Medicaid (DOM) recommends that prescribers use tamper-resistant prescription pads/paper for all DOM beneficiaries.