

Medicaid Tamper Resistant Prescription Law – Pharmacist FACT SHEET

This Fact Sheet contains updated information on a new law whose first phase of implementation went into effect April 1, 2008, and which requires that written prescriptions for covered outpatient drugs that are paid for by Medicaid be executed on a tamper-resistant prescription. **The second phase of implementation will go into effect on October 1, 2008.**

The law applies only to written prescriptions for covered outpatient drugs; prescriptions that are transmitted from the prescriber to the pharmacy verbally, by fax, or through an e-prescription are not impacted by the statute, and so those methods may be used as alternatives to a written prescription. The law applies whenever Medicaid pays any portion of the cost of a prescription.

As of April 1, 2008, to be considered tamper resistant, a prescription must contain at least one feature of the following three 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 the erasure or modification of information written on the prescription pad by the prescriber;
3. one or more industry recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, a prescription pad must contain **all three** of the above characteristics to be considered tamper-resistant.

WHAT CAN YOU DO IF YOU ARE NOT SURE IF A PRESCRIPTION MEETS THE REQUIREMENTS?

- Call the prescribing practitioner to obtain verbal confirmation of the prescription and document the confirmation appropriately. (NOTE: the pharmacy does not need to speak to the prescriber directly; a nurse or administrative staff person who is authorized to act on behalf of the prescriber may confirm the prescription.) You can also suggest that the prescriber fax prescriptions to you until he/she obtains compliant prescription paper. Additionally, if you are presented with a prescription for a controlled substance that is not written on tamper-resistant paper but otherwise complies with Federal and State law, your pharmacy may obtain verbal or faxed confirmation from the prescriber in order to satisfy the tamper-resistant requirement.
- Fill the prescription and obtain documentation within 72 hours. A pharmacy may fill prescriptions on an emergency basis, provided that the pharmacy obtains a compliant prescription within 72 hours after the fill date. The compliant prescription may be in the form of a written prescription on tamper-resistant paper

or may be obtained by verbal communication with the prescriber, by facsimile, or by e-prescription.

WHAT ABOUT PRESCRIPTIONS FILLED BEFORE A BENEFICAIRY IS ELEGIBLE FOR MEDICAID?

When a Medicaid recipient is retroactively eligible for Medicaid after a pharmacy has already filled the recipient's prescription, CMS will presume that the prescription is compliant with the tamper-resistant requirements. In this circumstance, the pharmacy is not required to obtain a compliant prescription in order to submit a Medicaid claim to receive reimbursement for the period of retroactive eligibility.

However, for any refills after the date of eligibility, the pharmacy must obtain a tamper-resistant prescription.

WHAT ABOUT REFILLS OF PRESCRIPTIONS THAT WERE WRITTEN AND PRESENTED PRIOR TO OCTOBER 1ST?

If the original prescription was presented to your pharmacy for filling prior to October 1st, the refills of that prescription do not need to be on tamper-resistant prescriptions with all three characteristics; instead, they need to contain only one of the three tamper-resistant characteristics.

ARE THERE ANY CIRCUMSTANCES WHEN I CAN FILL A NON-COMPLIANT PRESCRIPTION WRITTEN IN AN OUTPATIENT HOSPITAL SETTING, AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED, OR SOME OTHER INSTITUTIONAL SETTING?

Yes. When you are presented with a prescription from such a facility that is not tamper-resistant, you may still fill it IF the doctor or medical assistant wrote the order into the medical record, and the order was then given by medical staff directly to your pharmacy. Such a prescription is considered tamper resistant so long as the patient never had the opportunity to handle that written order.

Each State Medicaid Agency has issued its own guidance on this requirement. If you have any questions about when the tamper-resistant law is applicable, or for additional information about the rules in your State, please contact your State Medicaid Agency. The contact information for each State is listed on the following pages.

| Tamper Proof Contact Information By State | |
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| State | Contact Information |
| Alaska | Dave Campana, 907-334-2425 |
| Alabama | 334-242-5050 |
| Arkansas | 800-457-4454 – Claims Administrator |
| Arizona | Suzanne Berman at 602-417-4726 or by email at Suzanne.Berman@azahcccs.gov or Jimmy Borders at -602-417-4533 or by email at James.Borders@azahcccs.gov |
| California | For dentists: Denti-Cal Telephone Service Center at 800-423-0507. For all other providers: Medi-Cal Telephone Service Center at 800-541-5555. |
| Colorado | Kerri Coffey 303-866-4131 |
| Connecticut | In-state toll free: 800-842-8440; local Farmington, CT area: 860-269-2028 |
| Delaware | 800-999-3371 |
| District of Columbia | Carolyn Price: 202-442-9078 Charlene Fairfax: 202-442-9076 |
| Florida | 850-921-1802 |
| Georgia | 866-525-5226 |
| Hawaii | ACS, the Hawaii Medicaid program's PBM 877-439-0803 |
| Idaho | Tami Eide, 208-364-1821 |
| Iowa | IME Provider Services at 800-338-7909, locally at 515-725-1004 or by E-mail at: imeproviderservices@dhs.state.ia.us |
| Illinois | Lisa Voils, 217-782-2570 lisa.voils@illinois.gov |
| Indiana | Marc Shirley, Pharmacy Operations Manager, (317) 232-4307 marc.shirley@fssa.in.gov |
| Kansas | 800-933-6593 (in-state providers) or 785-274-5990 between 7:30 a.m. and 5:30 p.m., Monday through Friday. |
| Kentucky | 800-432-7005 |
| Louisiana | 800-437-9101 – Pharmacy Program |
| Maine | Jennifer Cook, 888-420-9711 (toll-free), 207-287-2705 (direct line), and email: Jennifer.Cook@Maine.gov |
| Maryland | 410-767-1455 |
| Massachusetts | Provider call center: 800-841-2900, e-mail: providersupport@mahealth.net ; fax: 617-988-8974 |
| Michigan | MDHS Provider Hotline 800-292-2550 |

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| Minnesota | Minnesota Health Care Program Provider Call Center @ 651-431-2700 or 800-366-5411 |
| Mississippi | 601-359-6050 or 800-421-2408 |
| Missouri | Clinical Services Email: clinical.services@dss.mo.gov Phone Number: 573-751-6961 |
| Montana | Wendy Blackwood 406-444-2738 |
| North Carolina | 919-855-4300 |
| North Dakota | Brendan Joyce, RPh 701-328-4023 |
| Nebraska | Phone: 402-471-9301 |
| Nevada | For specific inquiries, email techhelp@dncfp.nv.gov . General number is 775-684-3600 |
| New Hampshire | Doris Lotz, MD, MPH, Medicaid Medical Director: 603-271-8166, dlotz@dhhs.state.nh.us ; Lise Farrand, R.Ph, 603-271-4419, lfarrand@dhhs.state.nh.us |
| New Jersey | 609-588-3132 |
| New Mexico | Pharmacy Unit 505-827-3171 |
| New York | Bureau of Pharmacy Policy and Operations, within Medicaid: 518-486-3209. |
| Ohio | ODJFS Provider Hotline 800-686-1516 |
| Oklahoma | 800-522-0114 – Pharmacy Help Desk |
| Oregon | Sharon Hill, Policy Manager 503-945-6957 Cheryl Schollenberg, Pharmacy Technician 503-947-1195 |
| Pennsylvania | 717-772-6341 |
| Rhode Island | Paula Avarista, 401-462-6390, pavarista@dhs.ri.gov |
| South Carolina | 803-898-2875 |
| South Dakota | Mike Jockheck, RPh 605-773-3498 |
| Tennessee | 888-816-1680 |
| Texas | 800-435-4165 - Pharmacy Help Desk |
| Utah | Tim Morley, RPh 801-538-6293 |
| Vermont | 802-879-5900; ovhacontact@ahs.vt.us |
| Virginia | 800-932-6648 |
| Washington | Phyllis Coolen, 360-725-1395, Dr. Siri Childs, 360-725-1564 |
| West Virginia | 304-558-1700 |
| Wisconsin | Jim Jones, Deputy State Medicaid Director 608-266-5312 |
| Wyoming | Colleen Jones, RPh, 800-438-5785 |