



State of Vermont
Office of Vermont Health Access (OVHA)
Pharmacy Benefit Management Program

**New Federal Medicaid Law Regarding Tamper-Resistant
Prescription Drug Pads – Effective April 1, 2008**

Section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 sets requirements regarding the use of tamper-resistant prescription drug pads in Medicaid. This was signed into law on May 25, 2007.

The Centers for Medicare and Medicaid Services (CMS) has indicated that as of April 1, 2008, the following conditions apply for any Medicaid program prescription:

- All written prescriptions for **outpatient covered drugs** must be written on **tamper-resistant prescription paper**.
- To be considered tamper-resistant as of April 1, 2008, prescription paper must contain one 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 by the prescriber; or
 - 3) one or more industry-recognized features designed to **prevent the use of counterfeit prescription drug forms**.

As of October 1, 2008, prescription paper must contain all of these characteristics to be considered tamper-resistant.

Please note that this is not just a Medicaid issue. Using tamper-resistant prescription pads ensures that they cannot be used by anyone other than you and that your prescriptions are used appropriately by your patients.

While we do not endorse or guarantee their products, OVHA does have a limited listing of vendors who state that they supply tamper-resistant prescription pads and paper. This list can be found on the Office of Vermont Health Access website at <http://ovha.vermont.gov/for-providers>.

In addition, prescription pads and paper may be available through local printers, and vendors can be found easily on the Internet by searching for "tamper-resistant prescription pads." Prescription pad/paper features in compliance with CMS guidelines are listed toward the end of this mailing.

Important Points:

- Faxed prescriptions, electronic prescriptions, and prescriptions called into the pharmacy are considered tamper-resistant. If a written prescription seems questionable, a pharmacy will have to call the prescriber and ask for verbal instructions or for a faxed or electronic prescription to get the drug paid for Medicaid.
- This requirement is applicable regardless of whether Medicaid is the primary or secondary payer of the prescription being filled.
- This requirement is applicable even if the patient is found eligible for Medicaid after the date of service.
- This requirement is applicable for Medicaid-covered over-the-counter drugs prescribed as part of a treatment plan.
- Under emergency circumstances, the receipt of a compliant written prescription within 72 hours after the fill date is acceptable.
- Drugs provided in nursing facilities, intermediate care facilities for the mentally retarded, and other residential institutional settings **are not excluded** from this requirement.
- This requirement does not apply to refills for written prescriptions presented to the pharmacy prior to April 1, 2008.

Important Audit Information

CMS requires that state Medicaid agencies audit pharmacies to ensure pharmacy compliance with this regulation. Federal auditors may audit state audit samples. Documentation of compliance will be necessary.

- Please be sure your written prescriptions are compliant with these federal requirements.
- Please be sure that you are clearly identified on your pads so that the pharmacy can accurately report you as the prescriber.
- **If it is determined that a payment was made on a claim for a prescription that was not in compliance with the Medicaid tamper-resistant prescription requirements, OVHA must recover the payment.**
- Please help your pharmacies by fully complying with this Medicaid requirement.

Features in Compliance with CMS Guidelines

When ordering tamper-resistant prescription pads and paper, you should be aware of the features that make these pads compliant with federal regulations. Below are several examples of compliant features within the categories defined by CMS. According to a study group led by the National Council for Prescription Drug Programs, the features in **bold** tend to be less costly and easier for physicians to implement than other features. The features in *italics* are considered to be difficult for pharmacies to verify and likely not as effective as others. Please contact OVHA at (802) 879-5900 with questions.

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.”
Watermarking	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 attached example.
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 ___ Rxs 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.

Category 2 Continued – One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber.

Feature	Description
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 a 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.
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>

****On the following page is an example of a tamper-resistant prescription pad with approved features.****

Appendix 1

Sample Tamper-Resistant Prescription Pad With Recommended Features

Serial/Sequential numbering is not an acceptable feature in Vermont.

Serial/Sequential numbering (points to #000001)

VOID Pantograph (points to the 'Rx' symbol)

Security features listed on prescription (points to the blue band text)

Quantity check-off boxes (points to the list of unit ranges)

Refill indication (circle quantity) (points to the 'Refill NR 1 2 3 4 5' field)

Printed on Safety Paper with uniform background color (points to the overall background)

Void indication of number of drugs prescribed is not noted (points to the bottom note)

Header: JOHN SMITH, M.D.
Specialty
123 Your Address
Yourtown, USA 0000
(000) 000-0000
Lic. # C39656
DEA # AH9729469

Blue Band: THIS DOCUMENT CONTAINS VOID PANTOGRAPH, MICROPRINTED SIGN. LINE, REVERSE RX, SECURITY BACKPRINT
THERMOCHROMATIC INK FEATURE, NUMBERING, PRINTED ON SAFETY PAPER

Fields: Name _____, Address _____, Date _____, Signature _____

Quantity Check-off Boxes:
 1-24
 25-49
 50-74
 75-100
 101-150
 151 and over
 _____ Units

Bottom Note: Prescription is void if the number of drugs prescribed is not noted.

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