



North Carolina Department of Health and Human Services
Division of Medical Assistance

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DATE: September 6, 2007

SUBJECT: Tamper-Resistant Prescription Pads

DISTRIBUTION: NC Medicaid Providers

Division of Public Health

Division of Mental Health

NC Medical Society

NC Dental Society

NC State Board of Dental Examiners

North Carolina Association of Pharmacists

NC Medical Board

NC Board of Pharmacy

DMA Staff

I. BACKGROUND

Important legislation was passed by Congress in May 2007 requiring prescriptions for all Medicaid outpatient drugs to be written on tamper-resistant prescription pads beginning October 1, 2007 in order to be eligible for federal reimbursement. This requirement was included in a provision in Section 7002(b) of the US Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007.

Tamper-resistant prescription pads contain security features specifically designed to prevent alterations and forgeries. The goal of this new law is to curtail illegal drug diversion caused by the forgery or theft of prescriptions. Because many of these drugs are resold to consumers, drug diversion is also a serious threat to public health.

In a CMS State Director's letter dated August 17, 2007, CMS offered guidance to State Medicaid agencies regarding the use of tamper-resistant prescription pads. The tamper-resistant prescription pad requirement becomes effective October 1, 2007 and applies to all outpatient drugs including over-the-counter drugs for which State Medicaid programs reimburse for prescriptions. Section 1927(k)(3) of the Social Security Act provides



exceptions for drugs provided in nursing facilities, intermediate care facilities for the mentally retarded (ICF-MR), and other specified institutional and clinical settings such as those related to inpatient hospital, hospice, dental, physicians', laboratory, x-ray and renal dialysis services. Such drugs in these settings (to the extent that they are not separately reimbursed) are not subject to the tamper-resistant pad requirement. Section 7002(b) is applicable regardless of whether Medicaid is the primary or secondary payer of the prescription being dispensed. This law is applicable to dual eligibles who receive excluded medications from NC Medicaid. The law does not apply to prescription refills of prescriptions presented at a pharmacy before October 1, 2007. The law does not apply to e-prescriptions, faxed prescriptions, or prescriptions communicated to pharmacies by telephone by a prescriber. The law does not apply when a managed care entity pays for the prescription. This guidance does not restrict emergency fills of non-controlled or controlled substances for which a prescriber provides the pharmacy with a verbal, faxed, electronic or compliant written prescription within 72 hours after the date on which the prescription was filled.

To be compliant with the tamper-resistant prescription pad requirements on **October 1, 2007**, a prescription pad must contain at least **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
- 3) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

To be compliant with the tamper-resistant prescription pad requirements on **October 1, 2008**, a prescription pad must contain **all** three of the above characteristics.

II. DMA GUIDANCE

This letter provides North Carolina Division of Medical Assistance (DMA) guidance regarding the use of tamper-resistant prescription pads for prescriptions written for North Carolina Medicaid recipients. It is the responsibility of all North Carolina providers who write prescriptions for NC Medicaid recipients to obtain from vendors, tamper resistant prescription pads which meet the characteristics noted above and are in compliance with Section 7002(b). DMA will not endorse specific vendors that supply tamper-resistant prescription pads.

A provider may choose one (1) of the following features for their prescription blanks in order to meet the October 1, 2007 requirement and at least one feature from each characteristic for a total of three (3) features to meet the October 1, 2008 requirement.

1. Industry-standard features that meet the requirements for characteristic #1:

- a. A latent, repetitive "void" pattern or the word "void" appearing across the entire front of the prescription blank when photocopied or scanned.

- b. A blue or green background ink on the prescription blank that resists reproduction.
- c. The word “illegal” appearing across the entire front of the prescription blank when photocopied or scanned.

2. Industry-standard features that meet the requirements for characteristic #2:

- a. A chemical void protection on the prescription blank that prevents alteration by chemical washing.
- b. The prescription blank may be made of quality safety paper that resists erasures and reproductions.
- c. An area of opaque writing that disappears if the prescription blank is lightened.
- d. Erasure protection on green or blue background on the front side of the prescription blank that resists alterations and erasures.
- e. A feature printed in thermochromic ink that disappears or shows obvious tampering if the prescription blank is rubbed, scratched briskly, or if heat is applied.
- f. Six quantity check off boxes printed on the prescription blank with the following quantities listed and may include a space to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form:
 - 1-24
 - 25-49
 - 50-74
 - 75-100
 - 101-150
 - 151 and over

3. Industry-standard features that meet the requirements for characteristic #3:

- a. A description of security features included on each prescription blank.
- b. A custom or repetitive watermark on the backside of the prescription blank that can be only seen at a forty-five (45) degree angle. The watermark should bear the name of the company manufacturing the prescription blank or should bear the word “security”.

- c. Logos, defined as a symbol utilized by an individual, professional practice, professional association or hospital, appearing on the prescription blank. The upper left one (1) inch square of the prescription blank should be reserved for the logo.

Pharmacists must continue to assure that prescriptions meet the requirements of 21 NCAC 46 .2301 which include the following:

- 1) date of issuance;
- 2) name and address of patient;
- 3) name, address and telephone number of prescriber except that indication of the name of the prescriber is sufficient if a data file specified in this rule is current and in effect;
- 4) Drug Enforcement Agency (DEA) number of prescriber in the case of controlled substances;
- 5) name, strength, dosage form and quantity of drug prescribed;
- 6) refills if authorized or, in institutions, the stop date
- 7) route of administration of drug prescribed; and
- 8) directions for use.

Pharmacists accepting prescriptions for NC Medicaid recipients are responsible for assuring that the prescriptions are compliant with the requirements of Section 7002(b). Pharmacists may accept out-of-state prescriptions that meet the requirements of Section 7002(b). **Prescriptions reimbursed by NC Medicaid on noncompliant prescription pads are subject to recoupment.**