



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
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DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

## INFORMATIONAL LETTER NO. 639

**To:** All Iowa Medicaid Pharmacy and Prescribing Providers  
**From:** Iowa Department of Human Services, Iowa Medicaid Enterprise  
**Date:** August 31, 2007  
**Subject:** Tamper-Resistant Prescription Drug Pads for Covered Outpatient Drugs  
**Effective Date:** **October 1, 2007 and October 1, 2008**

The federal "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act" of 2007 provides that effective October 1, 2007, federal Medicaid funding shall not be available for any amounts expended for prescription drugs for which the prescription was executed in **written (including handwritten and printed) and non-electronic form** unless the prescription was executed on a tamper-resistant pad. This Informational Letter is based on the State Medicaid Director Letter (SMDL) #07-012 from the federal Centers for Medicare & Medicaid Services (CMS) dated August 17, 2007 and oral guidance provided on August 29, 2007 from the Medicaid Integrity Group of CMS. Further guidance in the form of FAQ will be posted on the IME website at [www.ime.state.ia.us](http://www.ime.state.ia.us) as available.

### Tamper-Resistant Prescription Pad Information

According to the SMDL #07-012:

To be considered tamper resistant 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.

No later than **October 1, 2008**, to be considered tamper resistant, a prescription pad must contain **all of the foregoing three characteristics**. Failure of a State to enforce the tamper-resistant pad requirement may result in the loss of Federal financial participation.

Beginning October 1, 2007, any pharmacist receiving a hard copy prescription for a Medicaid member not written or printed on a tamper-resistant prescription pad and/or paper must verify the prescription order with the prescriber for Medicaid reimbursement purposes. The pharmacist may need to obtain a new written prescription for certain medications (for example, Schedule II Controlled Substances). As always, the pharmacist must comply with all federal and state laws and regulations applicable to the practice of pharmacy.

### Emergency Fills

To the extent permissible under federal and state law, emergency prescriptions for non-controlled and controlled substances may be filled, and they will be reimbursed as long as the pharmacy receives a verbal, faxed, electronic, or compliant written prescription within **72 hours** after the date on which the prescription was filled.

### Exemptions to Tamper-Resistant Prescription Pads:

- Prescriptions that are presented via other modes of transmission, e.g. e-prescriptions, facsimile, and telephone are exempt from this requirement.
- The tamper-resistant pad requirement does not apply to refills of written prescriptions presented at a pharmacy before October 1, 2007.

### **Prescribers and Other Facilities Who Transmit Prescriptions to Pharmacies**

- **Special Note:** When the following Long Term Care facilities, Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded (ICFMR) and Psychiatric Medical Institutions for Children (PMIC), transmit prescription orders to the pharmacy for Medicaid members, the tamper resistant requirements apply, when Medicaid reimburses for the drugs separately.
- All medical practitioners who prescribe drugs to Medicaid members are responsible for obtaining the tamper-resistant prescription pads and/or printer paper.
- Prescribers should contact their current prescription pad vendor for additional information on obtaining tamper-resistant prescription pads and/or printer paper.
- Iowa Medicaid will not endorse specific vendors.
- If prescribers do not use compliant pads or printer paper for hard copy prescriptions, anticipate additional telephone calls or faxes from pharmacies to obtain compliant prescriptions.

### **Pharmacies**

- **Special Note:** When the following Long Term Care facilities, Nursing Facilities, Intermediate Care Facilities for the Mentally Retarded (ICFMR) and Psychiatric Medical Institutions for Children (PMIC), transmit prescription orders to the pharmacy for Medicaid members, the tamper resistant requirements apply, when Medicaid reimburses for the drugs separately.
- The Tamper-Resistant Prescription Pads requirement applies regardless of whether Medicaid is the primary or secondary payor of the prescription being filled.
- The Tamper-Resistant Prescription Pads requirement applies for members who are retro-eligible for Medicaid services. Pharmacies submitting claims for retro-eligible members, who were not eligible at the time the prescription was originally filled, cannot be reimbursed for the claim(s) by Medicaid unless there is a compliant prescription.
- Amounts reimbursed by Medicaid for prescriptions not written on tamper-resistant prescription pads and/or paper will be disallowed and recouped upon audit.
- If your pharmacy scans the image of the prescription for storage purposes as allowed by state and federal law, Medicaid provisions still require appropriate record retention by providers of service for a minimum of five years from when the charge was made to the program for payment.
- Please note the Public Notice at the bottom of this Informational Letter, which can be copied and provided to Medicaid members with questions/concerns about this requirement.

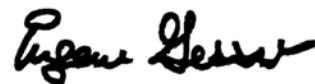
### **Additional Resources**

The SMDL #07-112 can be found at <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>.

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

The IME appreciates your partnership as we work together to serve the needs of Iowa Medicaid members within federal requirements. If you have any questions, please contact IME Provider Services at 1-800-338-7909, locally at 515-725-1004 or by e-mail at: [imeproviderservices@dhs.state.ia.us](mailto:imeproviderservices@dhs.state.ia.us)

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**PUBLIC NOTICE FROM IOWA MEDICAID DIRECTOR EUGENE I. GESSOW**



Effective October 1, 2007, pharmacies may only fill written (handwritten and printed) prescriptions for Medicaid members when the prescription is on a tamper-resistant pad or paper; or your prescriber may send your prescription to the pharmacy by e-prescription, fax, or call it in. Please direct any questions to your prescriber or Iowa Medicaid Member Services at 1-800-338-8366 or 515-725-1003 (local).