

Jean Phillips, Deputy Administrator

**Authorized Signature**
**Number:** DMAP-IM-08-031

**Issue Date:** 03/13/2008

**Topic:** Medical Benefits

**Subject:** Provider announcement: Reminder about tamper-resistant prescription pad requirement, effective April 1, 2008

**Applies to (check all that apply):**

- |                                     |                               |                                     |   |
|-------------------------------------|-------------------------------|-------------------------------------|---|
| <input type="checkbox"/>            | All DHS employees             | <input checked="" type="checkbox"/> | County Mental Health Directors  |
| <input checked="" type="checkbox"/> | Area Agencies on Aging        | <input type="checkbox"/>            | Health Services   |
| <input type="checkbox"/>            | Children, Adults and Families | <input type="checkbox"/>            | Seniors and People with Disabilities  |
| <input checked="" type="checkbox"/> | County DD Program Managers    | <input checked="" type="checkbox"/> | Other (please specify): DHS staff and others identified on the SPD, CAF, AMH and DMAP transmittal lists |

**Message:**

DMAP will include the following letter in remittance advices to enrolled prescribing providers and pharmacies the weeks of 3/17 and 3/24. It reminds providers that they will need to meet requirements for tamper-resistant written outpatient drug prescriptions effective April 1, 2008. This requirement only applies to prescriptions that DMAP reimburses on a fee-for-service basis; prescriptions paid for by the client's managed care plan do not need to meet this requirement.

If providers cannot obtain tamper-resistant prescription pads to use by April 1, encourage them to submit prescriptions by fax, telephone or electronically whenever possible. When the pharmacy receives a non-compliant written prescription, the pharmacy can contact the provider to confirm by phone, fax, or electronically that the prescription can be dispensed as written.

For more information:

- DMAP has posted a summary of other states' tamper-resistant prescription pad requirements in the "Hot Topics" on the [OHP home page](#). DMAP will require that tamper-resistant pads include one industry-recognized tamper-resistant feature until October 1, 2008.
- The proposed rule to implement the tamper-resistant prescription pad requirement is on the [DMAP Rulemaking Notices](#) page. The last opportunity to submit comments on this proposed rule is 5:00 p.m. Tuesday, March 25, 2008.

*If you have any questions about this information, contact:*

<b>Contact(s):</b>	Sharon Hill, Policy Unit Manager		
<b>Phone:</b>	503-945-6957	<b>Fax:</b>	503-373-7689
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## **Important reminder About tamper-resistant prescription pad requirements effective April 1, 2008**

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### **Federal tamper-resistant prescription pad requirement begins April 1, 2008**

Effective April 1, 2008, Section 1903(i) of the Social Security Act requires that written (nonelectronic) prescriptions for covered outpatient drugs for Medicaid clients be executed on a tamper-resistant pad in order to be eligible for federal matching funds.

- This requirement applies to written or computer-printed prescriptions executed on or after April 1, 2008, for drugs reimbursed on a fee-for-service basis, where the client or the client's representative delivers the prescription to the pharmacy for dispensing. This includes prescriptions on hospital discharge orders, and prescriptions mailed to a mail-order pharmacy.
- This requirement applies whether OHP is the secondary or the primary payer.
- This requirement does not apply if the client's OHP managed care plan pays for the prescription.

### **DMAP prescription requirements are changing**

To meet this federal requirement, starting April 1, 2008, DMAP will only reimburse fee-for-service prescriptions of covered outpatient drugs for OHP clients when the prescription is:

- Written on tamper-resistant paper; or
- Submitted electronically (*i.e.*, by fax, telephone, or e-prescription).

DMAP will update OAR 410-121-0145 (Prescription Requirement) to enforce this requirement effective April 1, 2008. You can read the proposed rule revision on the DMAP Web site at [www.dhs.state.or.us/policy/healthplan/rules/notices.html#pharmacy](http://www.dhs.state.or.us/policy/healthplan/rules/notices.html#pharmacy).

DMAP encourages prescribers to submit prescriptions electronically, by phone, or by fax whenever possible. Prescriptions for controlled substances must still comply with current federal DEA regulations. For more information, go to the State Board of Pharmacy Web site at [www.oregon.gov/Pharmacy/DEA\\_Info.shtml](http://www.oregon.gov/Pharmacy/DEA_Info.shtml).

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## Reminder about tamper-resistant prescription pad characteristics

DMAP considers “tamper-proof” any prescription pad that includes *at least one industry-recognized feature* designed to prevent:

- Unauthorized copying of a completed or blank prescription form;
- The erasure or modification of information written on the prescription by the prescriber; or
- The use of counterfeit prescription forms.

Several states have tamper-resistant prescription pad requirements that meet or exceed federal requirements. A summary of these other states' requirements is available on the OHP Web site at [www.oregon.gov/DHS/healthplan](http://www.oregon.gov/DHS/healthplan).

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### For more information

- The State Board of Pharmacy Web site has links to CMS guidance, past DMAP announcements about the requirement, and more at [www.oregon.gov/Pharmacy/TamperProofRx.shtml](http://www.oregon.gov/Pharmacy/TamperProofRx.shtml).
- For questions about this letter, contact DMAP Provider Services at 800-336-6016 or e-mail [dmap.providerservices@state.or.us](mailto:dmap.providerservices@state.or.us).

