MARYLAND MEDICAID PHARMACY PROGRAM

ADVISORY

In an effort to give timely notice to the pharmacy community concerning important pharmacy topics, the Department of Health and Mental Hygiene's (DHMH) **Maryland Pharmacy Program** *(MPP) has developed the* **Maryland Pharmacy Program Advisory**. *To expedite information timely to the pharmacy and prescriber communities, an email network has been established which incorporates the email lists of the Maryland Pharmacists Association, EPIC, CARE, Long Term Care Consultants, headquarters of all chain drugstores and prescriber associations and organizations. It is our hope that the information is disseminated to all interested parties. If you have not received this email through any of the previously noted parties or via DHMH, please contact the MPP representative at 410-767-1455.*

Required Tamper-resistant Prescription Pad Features Effective October 1, 2008

The purpose of this Advisory is to remind pharmacists who serve Maryland Medicaid recipients of the October 1, 2008 deadline for fully tamper-resistant prescriptions with security features that enable the pharmacy to detect copying, altering and forging.

In 2007 Congress enacted federal legislation that requires State Medicaid Program providers to use tamper-resistant prescription pads/paper. The law requires all **written** Medicaid prescriptions for outpatient drugs, whether handwritten or computer-generated, to be tamper-resistant <u>in order for them to be reimbursed by the Medicaid</u> Program. These requirements apply whether Medicaid is the primary or secondary payer of the prescription. Beginning this past April 1, 2008, Medicaid required that all written prescriptions have at least one security feature from the list below. Beginning October 1, 2008 they must contain at least three security features as described below.

In order to eliminate confusion and to more narrowly define Maryland requirements, the Maryland Medicaid Pharmacy Program (MMPP) has chosen the security features that are most economical and reasonable to implement. We will accept any of the features listed in the table below; however, the **bolded feature is preferred by the MMPP**.

MMPP requires that all prescriptions written on or after **October 1, 2008** must have at least **one feature from each of the three categories** listed below.

Category 1 - *One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form.*	
Feature	**Description**
"Void" pantograph*	**The word "Void" appears when a document is photocopied. Pharmacy must note on prescription if received via fax.**
Watermarking	Special paper containing "watermarking"
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.
Micro printing for computer-generated printed prescriptions.	Very small font (0.5 font or less) that is legible when viewed at 5x magnification or greater, and illegible when copied.

*Computer software and a color printer are needed to produce this feature on **plain pape**r.*

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- preferably green	**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, or, for computer-generated printed prescriptions, border characteristics	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. An example of a valid border characteristic is the use of asterisks to surround the numeric quantity prescribed on a computer generated printed prescription (Example: **50**).
Refill indicator or, for computer-generated printed prescriptions, border characteristics	Indicates the number of refills on the prescription. Circle or check number of refills or "NR". Refill number MUST be used to be a valid prescription. An example of a valid border characteristic is the use of asterisks to surround the number of refills permitted, e.g. **5 refills**.

Category 3 - *One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.*	
Features	**Description**
Security features and descriptions listed on the front of the prescription	**Listing of the security features of the prescription for compliance purposes. This will assist the pharmacist and auditors on what security features are included on the pads/paper.**

The Tamper-Resistant requirements DO NOT APPLY:
1. when a prescription is communicated by the prescriber to the pharmacy electronically, verbally, or by fax (please note that Schedule II controlled substances require a written prescription).
2. when a managed care organization pays for the prescription.
3. to new or refills of written prescriptions presented to the pharmacy before April 1 without one of the features, or before October 1, 2008 without all three features.
4. when drugs are provided in institutional settings where such drugs are not separately reimbursed.
5. when drugs are provided in any situation, such as a long term care facility or a group home for developmentally disabled persons, in which the patient does not have the opportunity to physically handle the prescription.

After the respective dates, any pharmacist receiving a hard copy of a prescription for a Medicaid recipient not in compliance with tamper-resistant standards must verify the prescription order with the prescriber. Record on the original prescription the person contacted and the date verified. If a prescriber continues to use non-compliant prescription forms, the pharmacist should report the prescriber to the Medicaid Pharmacy Program by telephoning 410-767-1455 or by completing and faxing the form found on the web at http://www.dhmh.state.md.us/mma/mpap/prescrip_pads.htm.

Maryland Medicaid will pay for a 72-hour emergency supply on a non-compliant written prescription to allow the prescriber time to provide a verbal, faxed, electronic or compliant written prescription.

The Maryland Medicaid Pharmacy Program's regular on-site audits will include monitoring pharmacy and prescriber compliance with these regulations. Should the audit discover a prescription that was reimbursed but did not meet the requirements for being fully tamper resistant, the payment may be reversed.

Questions concerning this Advisory should be directed to the manager for Pharmacy Services at 410-767-1455.