STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care Programs

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

Maryland Medical Assistance Program
General Provider Transmittal No. 65
February 29, 2008

TO: Physicians, Pharmacies, Hospitals, Clinics, Nursing Homes, Intermediate Care Facilities for people with Mental Retardation, Residential Treatment Centers for children under 21, Nurse Practitioners, Nurse Midwives, Dentists, Podiatrists

FROM: Charles E. Lehman, Executive Director, Office of Systems, Operations & Pharmacy

Susan J. Tucker, Executive director, Office of Health Services

RE: Required Features on Tamper-resistant Prescriptions Effective April 1, 2008

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In 2007 Congress enacted federal legislation that requires State Medicaid Program providers to use tamper-resistant prescription pads/paper. The law requires that all **written** Medicaid prescriptions for outpatient drugs must be executed on tamper-resistant pads/paper in order for them to be reimbursed by the Medicaid Program. These requirements apply whether Medicaid is the primary or secondary payer of the prescription.

The Tamper-Resistant Pad/Paper requirement DOES NOT APPLY:

- when a prescription is communicated by the prescriber to the pharmacy electronically, verbally, or by fax (please note that controlled substances require a written prescription);
- when a managed care organization pays for the prescription;
- to new or refills of written prescriptions presented to the pharmacy before April 1 without one of the characteristics, or before October 1, 2008 without all three;
- when drugs are provided in institutional settings where such drugs are not separately reimbursed; or
- when drugs are provided in any situation, such as a long term care facility or nursing home, in which the patient does not have the opportunity to physically handle the prescription.

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

MMPP requires that all prescription pads/paper for prescriptions written on or after **April 1, 2008** for Medicaid members must contain **one feature** listed below.

October 1, 2008, prescription pads/paper 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 work "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.

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.**

Providers who write prescriptions for Maryland Medicaid members are encouraged to contact their printer to secure an appropriate supply of prescription pads or paper that will meet the April 1, 2008 MMPP requirements and begin using this paper or prescription pads no later than April 1, 2008 for all new written prescriptions. It may be more economical for providers to order pads/paper that meet the October 1, 2008 MMPP requirements.

Effective May 23, 2008, the Centers for Medicare and Medicaid Services (CMS) requires all prescriptions to contain the National Provider Indentifier (NPI) number of the prescriber. It is suggested that a space for, or preprinted, NPI be part of the design for any prescription forms ordered.

MMPP will not be directing providers to specific vendors. However, the following websites from other states whose requirements exceed the CMS' guidelines may be helpful in selecting a vendor.

California: www.ag.ca.gov/bne/security_printer_list.php

Florida: www.floridamedicaid.consultec-inc.com/XJContent/RX_07_071003_Prescription_Pad_List_ver1.2xls?id=000005500053

Maine: www.mainecarepdl.org/index.pl/home/tamper-resistant-prescription-pads

Information for Pharmacists

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. The pharmacist must 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.

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.

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