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### **CMS Releases Guidance on Tamper-Resistant Prescription Pads**

The Centers for Medicare & Medicaid Services (CMS) recently released guidance providing baseline requirements to states in order to define and implement tamper-resistant prescription pads as required by law. The law requires that all written, non-electronic prescriptions for Medicaid outpatient drugs be issued on tamper-resistant pads for them to be reimbursed by the federal government. In a letter to state Medicaid directors, CMS clarified that to be considered tamper resistant on **October 1, 2007**, a prescription pad must contain **at least one** of the following:

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

By **October 1, 2008**, to be considered tamper resistant, a prescription pad must contain **all three characteristics**. Failure to enforce the tamper-resistant pad requirement may result in the loss of federal financial participation.

The tamper-resistant requirement does not apply to the following:

1. Prescriptions transmitted to pharmacies electronically, verbally, or by fax
2. When a managed care entity pays for the prescription
3. In most situations when drugs are provided in designated institutional and clinical settings

The guidance also allows emergency fills with a non-compliant written prescription as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours. There is also a stipulation that allows for reimbursement as an administrative expense if a state elects to purchase compliant prescription pads for Medicaid prescriptions and provide them to prescribers at no cost or at a discounted rate. Some states may need to make legislative or regulatory changes to their Medicaid pharmacy reimbursement processes.

“The rule appears to be an attempt by CMS to accelerate the adoption of e-prescribing, starting with Medicaid providers,” says Pat Montoya, RN, MPA, quality improvement manager at the New Mexico Medical Review Association (NMMRA). NMMRA facilitates the New Mexico Prescription Improvement Coalition, which works to improve prescription safety in the state through the adoption of e-prescribing technology and increased provider and public education.

For more information, visit the CMS Web site at: <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>.

*NMMRA is a not-for-profit, physician-sponsored organization that is New Mexico's federally contracted Medicare Quality Improvement Organization (QIO) and External Quality Review Organization (EQRO) for Medicaid. The organization works with health care providers, consumer and health care organizations, and state and federal agencies to improve the quality of health care in New Mexico.*

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