



# MEDICAID-PEACHCARE NOTIFICATION 02/20/2008: OUTPATIENT FEE-FOR-SERVICE PHARMACY PROGRAM IMPORTANT INFORMATION

## [Georgia Tamper-Resistant Prescription Pad Program](#)

### Overview

The Georgia Medicaid Fee-For-Service (FFS) Outpatient Pharmacy Program in accordance with Section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, and in an attempt to combat fraud and abuse, will require prescribers to use tamper-resistant prescription pads for any new prescription with fill dates on and after April 1, 2008. This requirement applies to hard copy prescription orders for any drug, device or product covered through the Medicaid FFS outpatient pharmacy program whether legend or over-the-counter.

### Effective Dates

Effective April 1, 2008, a prescription pad must contain at least one of the following three characteristics:

Required tamper-resistant characteristics include one or more industry-recognized features designed to:		Examples include but are not limited to:
1	Prevent unauthorized copying of a completed or blank prescription form	<ul style="list-style-type: none"><li>• High security watermark on reverse side of blank</li><li>• Thermo-chromic ink technology</li><li>• Copied prescription blanks show the word "Copy," "Illegal," or "Void."</li></ul>
2	Prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none"><li>• Tamper-resistant background ink shows erasures or attempts to change written information</li></ul>
3	Prevent the use of counterfeit prescription forms	<ul style="list-style-type: none"><li>• Duplicate or triplicate blanks</li></ul>

Beginning April 1, 2008, any pharmacist receiving a hard copy prescription not written on a tamper-resistant prescription blank for a Medicaid recipient subject to this rule must verify the prescription order with the prescriber's office by handwriting on the face of the original prescription the name of the person contacted at the prescriber's office, the date verified, the initials or name of the pharmacist or licensed pharmacy intern who verified the prescription, and the word "Verified."

In circumstances of other insurance coverage in addition to Medicaid, tamper-resistant prescription pads are required regardless of whether Medicaid FFS is the primary or subsequent payer.

A prescription order written on a tamper-resistant prescription blank does not automatically make the prescription order compliant or valid. The pharmacist must exercise professional judgment and take appropriate measures necessary to ensure the validity and integrity of any prescription received. As always, the pharmacist must comply with all Medicaid Policies, as well as, all laws and regulations applicable to the practice of pharmacy.

Effective for dates of service on and after April 1, 2008, all prescription pads utilized for Medicaid FFS recipient prescriptions must comply with all three of the characteristics in the table above.

## Access to Care

The intent of this program is to reduce forged and altered prescriptions and to deter drug abuse. It is not the intent of the program to inconvenience a person seeking to have a valid prescription filled. The provision of covered outpatient FFS pharmacy products written on a non-tamper-resistant prescription pad is allowed on an emergency basis (as defined by the dispensing pharmacist and in accordance with all applicable Medicaid policies, as well as, state and federal laws). However, the dispensing pharmacist must obtain a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. Failure to secure this verification may result in recoupment of such claims. Note prescriptions filled on an emergency basis due to not being written or printed on a non-tamper-resistant prescription pad are not necessarily limited to a 72-hour supply.

## Exceptions to Tamper-resistant Rx Pads

Exempt from the tamper-resistant requirement are Medicaid prescriptions that are:

- Paid by a Georgia Medicaid Care Management Organization (Amerigroup, WellCare, PeachState)
- Provided in nursing facilities or intermediate care facilities for the mentally retarded (ICF/MR) and the drug is reimbursed as part of a total service and is not reimbursed through the outpatient pharmacy program
- Provided in any other institutional or clinical settings for which the drug is reimbursed as part of a total service and is not reimbursed through the outpatient pharmacy program
- Written orders prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy
- e-prescribed, faxed to the pharmacy from the prescriber's office, or telephoned to the pharmacy by the prescriber
- Refills for which the original prescription was filled before April 1, 2008.

## Additional Resources

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

Centers for Medicare & Medicaid Services (CMS) Letter to State Medicaid Director (SMDL #07-012, 8/17/2007)

Centers for Medicare & Medicaid Services (CMS) Frequently Asked Questions Document published 9/13/2007

(<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf> )

## Georgia Medicaid FFS Tamper Resistant Prescription Pad (TRPP) Requirement FAQs

Q: What is the origin of this requirement?

A: This requirement is a federal requirement, but the states are required to implement it. The requirement originated from the [U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007](#) (H.R. 2206), section 7002(b).

Q: What is a TRPP?

A: In their final guidance, the federal government requires that by April 1, 2008 that tamper-resistant prescriptions include one or more industry-recognized features designed to:

Prevent unauthorized copying of a completed or blank prescription form

Prevent erasure or modification of information written on the prescription by the prescriber

Prevent the use of counterfeit prescription forms

Q: What are industry-recognized features?

A: While the federal government has not identified the industry-recognized features, examples include but are not limited to the following:

<b>Required tamper-resistant characteristics include one or more industry-recognized features designed to:</b>		<b>Examples include but are not limited to:</b>
1	Prevent unauthorized copying of a completed or blank prescription form	<ul style="list-style-type: none"> <li>• High security watermark on reverse side of blank</li> <li>• Thermochromic ink technology</li> <li>• Copied prescription blanks show the word "Copy," "Illegal," or "Void."</li> </ul>
2	Prevent erasure or modification of information written on the prescription by the prescriber	<ul style="list-style-type: none"> <li>• Tamper-resistant background ink shows erasures or attempts to change written information</li> </ul>
3	Prevent the use of counterfeit prescription forms	<ul style="list-style-type: none"> <li>• Duplicate or triplicate blanks</li> </ul>

Q: Doesn't the law have more stringent requirements by October 1, 2008?

A: Yes. By October 1, 2008, TRPPs will have to meet all three of the above requirements.

Q: Do the April 1st effective dates refer to the date the prescription was filled or written?

A: The April 1<sup>st</sup> effective dates refer to any prescription filled on or after those dates.

Q: What if I am dispensing a refill on or after the effective date, but the original prescription was filled before the effective date?

A: Refills for prescriptions that were originally filled prior to the effective date are exempt from the requirement.

Q: Can a provider add features to the prescription to make it compliant with the requirement such as:

writing out the drug quantities rather than just the number (i.e. "thirty" vs. "30")

using indelible or gel inks when writing the prescription

using embossed logos

A: No. The statute states that all written prescriptions must be "executed on a tamper resistant pad." As a result, features added to the prescription after they are printed do not meet the requirement of the statute.

Q: Will computer generated prescriptions meet the tamper resistant prescriptions requirements?

A: Between April 1<sup>st</sup> and September 31, 2008, computer generated prescriptions containing one or more industry-recognized features designed either to prevent the erasure or modification of information contained on the prescription can meet the CMS requirements. However, CMS has stated that as of October 1, 2008, "prescriptions printed on plain paper will not be able to meet all three baseline characteristics outlined by CMS. Therefore, beginning October 1, computer generated prescriptions must be printed on paper that meets that requirement."

Q: Does this requirement apply to the Georgia Medicaid recipients enrolled in one of the Care Management Organizations (Amerigroup, PeachState, or WellCare)?

A: No. This requirement only applies to Georgia Medicaid recipients enrolled in traditional fee-for-service Medicaid.

Q: Will the State endorse, credential or otherwise certify print vendors who meet the federal requirements?

A: Not at this time.

Q: What is considered to be a "prescription" under this requirement?

A: Any drug order that is not e-prescribed, faxed to the pharmacy from the prescriber's office, or telephoned to the pharmacy by the prescriber.

Q: Do prescriptions printed from a computer at the prescriber's office included in this definition of a prescription?

A: Yes. The paper utilized to print such prescriptions must be compliant as well.

Q: Are there any exceptions to the TRPP requirement?

A: Yes. Exceptions include prescriptions:

- Paid by a Georgia Medicaid Care Management Organization (Amerigroup, WellCare, PeachState)
- Provided in nursing facilities or intermediate care facilities for the mentally retarded (ICF/MR) and the drug is reimbursed as part of a total service and is not reimbursed through the outpatient pharmacy program
- Provided in any other institutional or clinical settings for which the drug is reimbursed as part of a total service and is not reimbursed through the outpatient pharmacy program
- Written orders prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy
- e-prescribed, faxed to the pharmacy from the prescriber's office, or telephoned to the pharmacy by the prescriber
- Refills for which the original prescription was filled before April 1, 2008.

Q: Are nursing homes prescriptions required to comply with this requirement?

A: Written orders prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy is considered "tamper resistant," so long as the patient never has the opportunity to handle that written order.

Q: If the Medicaid recipient has other insurance and Medicaid is not primary but the prescription is being billed to Medicaid as a coordination of benefits claim, is a TRPP still required?

A: Yes.

Q: If I fill a prescription for a Medicaid fee-for-service patient from another state, are the rules the same as for Georgia Medicaid?

A: Each state may have different rules. Please check the rules and requirements of the other state in which you are an enrolled provider.

Q: What happens if a person is retroactively enrolled in fee-for-service Medicaid?

A: The federal government requires the pharmacy to obtain a compliant tamper resistant prescription. This requirement may be accomplished by verbal verification of the prescription. This requires the pharmacist or licensed pharmacy intern to handwrite on the face of the original prescription the name of the person contacted at the prescriber's office, the date verified, the initials or name of the pharmacist or licensed pharmacy intern who verified the prescription, and the word "Verified."

Q: Can the State make exemptions from the requirement?

A: No. This is a requirement of federal law.

Q: Where can I learn more about this requirement?

A: The following are resources for your review.

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

Centers for Medicare & Medicaid Services (CMS) Letter to State Medicaid Director (SMDL #07-012, 8/17/2007)

Banner messages at the GHP Portal ([www.ghp.ga.gov](http://www.ghp.ga.gov))

CMS FAQ Document published 9/13/2007 (<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf> )

Q: If I receive a non-tamper resistant prescription and I cannot verify the prescription with the provider at that time, can I dispense the medication on an emergency basis?

A: Yes, the pharmacy can fill the prescription on an emergency basis as long as the prescription complies with all other Medicaid policies and state, and federal laws. However, the dispensing pharmacist must obtain a verbal, faxed, electronic, or otherwise compliant written prescription within 72 hours after the date on which the prescription was filled. Failure to secure this verification may result in recoupment of such claims.

Q: If I fill a prescription not written on a tamper-resistant prescription pad on an emergency basis, am I limited to giving the patient only a 72-hour supply?

A: If the prescription complies with all Medicaid policies and is a covered benefit with no restrictions for the recipient, then you may dispense greater than a 72-hour supply.

Q: Will DCH enforce this requirement?

A: DCH is bound to enforce all federal requirements.

Q. Wasn't the original requirement that TRPPs must be used for all Medicaid FFS prescriptions by October 1, 2007?

A. Yes. However, on September 29, 2007, President Bush signed the *Transitional Medical Assistance, Abstinence Education, and QI Programs Extension Act of 2007* which delayed the implementation date for Medicaid FFS TRPPs. Under the new law, all such prescriptions must have at least one of the TRPP characteristics specified by CMS by April 1, 2008, with all three characteristics by October 1, 2008.

Q. Has CMS issued any additional FAQs that I may find helpful?

A. Yes. On 9/13/2007, CMS issued FAQs on the TRPP requirement. These FAQs can be found at:

<http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf>

Please note that the State Health Benefit Plan and the Board of Regents plan no longer utilize the same preferred drug list as Georgia Medicaid, therefore, the above changes do not impact these plans.

We appreciate your continued participation in the Georgia Medicaid program. If you have any questions, please contact SXC Health Solutions Customer Service at 1-866-525-5826.

Please share this information with appropriate staff. If you are the corporate office of a chain pharmacy, please provide this information to each of your stores located in Georgia.

Division of Medical Assistance  
Pharmacy Services Unit

404-656-4044