

## **Tamper Resistant Prescription Pad Law September 2007**

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Here are some key points on this new law:

- This law prohibits Medicaid payment for covered outpatient drugs using written scripts unless executed on tamper-resistant prescription pads which must contain certain characteristics defined by the Centers for Medicare and Medicaid Services.
- The Centers for Medicare and Medicaid Services letter to State Medicaid Directors can be accessed at the following website:  
<http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>
- There is a Provider Update going out about this the week of Sep 3, 2007. It will be up on the following website when its released:  
<http://dhfs.wisconsin.gov/medicaid/updates/index.htm>
- The law applies to Fee for Service Medicaid only. It will not affect managed care based pharmacy benefits.
- DHFS enforcement will entail program integrity staff doing spot checks at pharmacies by pulling scripts that were paid for by MA to see if the scripts were done on tamper resistant pads.
- The main issue for recipients will be the delay at the pharmacy counter in getting their script filled if not done on the proper script pad. They will have to go back to their doctor and request a new script. DHFS anticipates that pharmacies will be cautious or refuse to accept scripts that are not completed according to the new law, since they are liable for the cost.
- There is a provision in the law that if an individual shows up without a tamper resistant prescription, the pharmacy can fill it as long as they receive the properly written script within 3 days.
- Most scripts are done by phone, fax or email which would not be subject to this new law. DHFS estimates that around 25% of scripts are done on paper, so it is not the majority.

- There is lobbying going on at the federal level to get this provision rescinded.