



## **Attention TennCare Pharmacists:**

The Bureau of TennCare is providing the following information in response to the Centers for Medicare and Medicaid Services (CMS) requirements for all state Medicaid programs to implement the use of tamper-resistant pads/paper by April 1, 2008.

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**Effective April 1, 2008, ALL prescriptions for TennCare patients must be written using tamper-resistant pads/paper**, with the limited exceptions outlined below:

- Refills of written prescriptions presented at a pharmacy before April 1, 2008
- Prescriptions sent to the pharmacy electronically (either by e-prescribe or by fax)
- Prescriptions communicated to the pharmacy by telephone
- Drugs administered in nursing facilities and ICFMR's

**WHY?** – A federal law/mandate intended to reduce fraud and abuse was embedded in a law passed by Congress primarily dealing with funding for the Iraq War.

**WHAT DO YOU NEED TO DO?** - If you receive a non tamper-resistant prescription, contact the prescriber and have the prescription re-issued in a tamper-resistant format (i.e. submitted as a fax, verbal, or electronic prescription or re-written on a compliant form) prior to dispensing the full amount. Prescriptions for CII items received on a non tamper-resistant form should be verified with prescriber and that verification noted on the original order form.

If you are unsuccessful in obtaining a compliant or exempt prescription, provide the TennCare enrollee with a copy of the Non Tamper-Resistant Notice as required by the “Grier” Consent Decree. Also request that the enrollee contact their prescriber for assistance. The Non Tamper-Resistant Notice explains the requirement for tamper-resistant prescriptions and informs enrollees of their rights to an appeal. Copies of the Non Tamper-Resistant Denial notice are available for download at [www.firsthealth.com](http://www.firsthealth.com) under the “Providers Documents” tab, or directly from TennCare by contacting (888) 816-1680.

**WHAT IS A TAMPER RESISTANT PRESCRIPTION PAD?** - According to the federal government, to be considered tamper resistant on **April 1, 2008, a prescription pad must have at least one feature from any category listed below**. And on October 1, 2008, prescriptions will be required to have a minimum of one feature from each of the three CMS categories listed below:

- 1) Industry-recognized feature(s) designed to prevent unauthorized **copying**
- 2) Industry-recognized feature(s) designed to prevent **erasure or modification** of information written by the prescriber

- 3) Industry-recognized features list designed to prevent use of **counterfeit** prescription forms

**WHAT HAPPENS ON OR AFTER April 1, 2008, IF A TENNCARE PATIENT PRESENTS TO A PHARMACY WITH A PRESCRIPTION THAT IS NOT TAMPER-RESISTANT? - In a non-emergency situation**, the drug should not be provided unless the pharmacist is able to reach the prescriber and obtain a verbal, electronic, or compliant written prescription.

**If you believe the patient has an urgent need** for the drug and you are unsuccessful in obtaining a compliant or exempt prescription from the prescriber, dispense a 3-day supply of the medication using a Prior Authorization Code of 8 in NCPDP field 461-EU. The 3 day supply prescription will count towards prescription limits, but the balance can be filled once the tamper-resistant prescription is obtained.

The balance-fill prescription should be submitted with a Submission Clarification Code of 5 in NCPDP field 42Ø-DK. If you dispense the full amount of the prescription because it is a un-breakage package, a tamper-resistant copy must be obtained within 72 hours of the time the prescription was filled. This process is identical to that used for non-PDL emergency fills, except that reimbursement is subject to recoupment if you do not obtain a compliant prescription within 72 hours. **Prescriptions reimbursed by TennCare written on non tamper-resistant forms are subject to recoupment.**

**The features to be considered compliant for October 1, 2008 are explained on the next page.**

Category 1 – Designed to prevent unauthorized copying of a completed or blank prescription form.

Feature	Description
“Void” or “Illegal” pantograph	The word “Void” appears when the prescription is photocopied. Due to the word “Void” on faxed prescriptions, this feature requires the pharmacy to document if the prescription was faxed.
Watermarking	Special paper containing “watermarking”.

Category 2 - Designed to prevent the erasure or modification of information written on the prescription by the prescriber.

Feature	Description
Quantity check off boxes with Refill Indicator ( <i>circle or check number of refills or “NR”</i> )	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.  Indicates the number of refills on the prescription. Refill number must be used to be a valid prescription.
Uniform non-white background color	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.

Category 3 - Designed to prevent the use of counterfeit prescription forms.

Feature	Description
Security features and descriptions listed on prescriptions <i>(This feature is required on all TennCare tamper-resistant pads/paper after 10/1/2008)</i>	Complete list of the security features on the prescription paper for compliance purposes.
Heat sensing imprint	By touching the imprint or design, the imprint will disappear.

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