



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

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March 20, 2008

**To: All *KyHealthChoices* Providers
General Provider Letter A80**

**Re: Tamper-resistant Prescription Pads Requirements
Effective April 01, 2008**

Dear *KyHealthChoices* Provider:

Effective April 1, 2008, Medicaid will require all written prescriptions for outpatient drugs, including over-the-counter drugs, to be on tamper-resistant prescription pads. As you may recall, Congress mandated the new requirement last year, but temporarily postponed implementation until April 1 to allow more time for states to respond.

On August 17, 2007, the Centers for Medicare & Medicaid Services (CMS), issued a letter to State Medicaid Directors with guidance on implementing the new requirements. Please use this link to review the actual letter: <http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf>. CMS has deemed that the current tamper-resistant prescription pads mandated for controlled substance prescriptions in Kentucky meet the requirements of the federal mandate at least until October 1, 2008.

Key points of the implementation requirements include, but are not limited to:

- The requirement does not apply to electronic prescriptions. An electronic prescription is one that is transmitted from the prescriber to the pharmacy via telephone, facsimile, electronic prescribing mechanism, or other means of electronic transmission.
- The federal requirement applies to all prescriptions billed to Medicaid, regardless of whether Medicaid is the primary or a secondary payor.
- The requirements do not apply when a managed care entity pays for the prescription – which means that **Passport Health Plan is exempt from these requirements.**
- The requirements apply to all prescribers, not just physicians.

(Please see reverse side)



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- The requirement does not apply to refills or renewals of prescriptions existing at the pharmacy prior to April 1, 2008.
- If a patient presents with a prescription written on a non-compliant prescription pad, and the pharmacist, in his/her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may elect to fill the prescription. In such cases, CMS requires that the pharmacist obtain a verbal, faxed, electronic, or compliant written prescription from the prescriber within 72 hours after the date on which the prescription was filled. The Drug Enforcement Administration (DEA) regulations regarding controlled substances may still require a written prescription for controlled substances.
- The requirement does not apply to prescriptions within long-term care facilities or hospitals where the prescription is handled by a physician order. As long as the patient does not physically handle the prescription, the requirement does not apply.

The Department for Medicaid Services (DMS) had decided to simply mandate the use of the controlled substance prescription pads currently required by [902 KAR 55:105](#), which have been used in physician/provider offices for several years in Kentucky. This eliminates the potential confusion that would be created by using another type of prescription pad in provider offices.

For out-of-state prescriptions, pharmacies may accept the current required prescription pads for controlled substances in Kentucky or the tamper-resistant pads that are approved by the Medicaid agency in that state.

We believe Kentucky's controlled substance prescription pads also meet the requirements that will be effective for October 1, 2008, but will communicate an official decision at a later date.

If you have any questions, please call 1-800-432-7005 for further assistance.

Sincerely,

Elizabeth A. Johnson
Commissioner

Xc: All *KyHealthChoices* Providers General Provider Letter A80

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