

Janice K. Brewer, Governor
Thomas J. Betlach, Director

801 East Jefferson, Phoenix, AZ 85034
PO Box 25520, Phoenix, AZ 85002
Phone: 602-417-4000
www.azahcccs.gov



Our first care is your health care
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

DATE: April 27, 2012

TO: Contractor CEOs
Contractor Medical Directors
Contractor Pharmacy Directors

FROM: Suzi Berman, RPh, Director of Pharmacy

SUBJECT: Tamper Resistant Prescription Pads

The purpose of this memo is to provide guidance on the required use of Tamper Resistant Prescription Pads (TRPP) beginning November 1, 2012. AHCCCS and its Contractors were waived from this requirement by The Centers for Medicare and Medicaid Services (CMS) through October 31, 2012. However, CMS has not authorized continuation of the waiver exemption for the AHCCCS Program. Therefore, effective November 1, 2012, AHCCCS and its Contractors are required to comply with the tamper resistant prescription pad requirement.

Background

On May 25, 2007, Section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 was signed into law. Section 7002(b) amended section 1903(i)(23) of the Social Security Act by adding a new paragraph stating that payment shall not be made for "...amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad." This provision became effective on October 1, 2007 and was delayed by President Bush to April 1, 2008.

The law requires that all written, non-electronic prescriptions dispensed under the Fee-For-Service program be written on tamper resistant prescription pads for outpatient drugs in order for the medications to be federally reimbursable. Arizona was previously waived from this requirement under its 1115 Waiver, since only a small subset of its beneficiaries would be impacted and the costs of implementation under such circumstances would outweigh any potential returns from fraud and abuse.

During discussions with CMS regarding the 1115 Waiver for the 2011-2016 time period, CMS notified Arizona that the waiver authority would not be continued because section 2501(c) of the Affordable Care Act signed by the President on March 23, 2010, extended the tamper resistant prescription pad requirement to drugs paid for by Medicaid Managed Care Organizations. To meet the standards set forth in this law and to decrease prescription tampering to the greatest extent possible, AHCCCS is instituting the following requirements effective November 1, 2012.

In addition to the Arizona State Board of Pharmacy requirements for the use of tamper resistant prescription forms, all prescriptions paid for by AHCCCS and its Contractors must meet the following requirements:

Written & Non-electronic Prescriptions

Beginning November 1, 2012, written and non-electronic prescriptions must contain ALL three of the following characteristics:

- One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form,
- One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber, AND
- One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

The table below provides examples of tamper resistant prescription pad features.

Industry-recognized features designed to:	Examples of features include, but are not limited to:
Prevent unauthorized copying of a completed or blank prescription form	High security watermark on reverse side of blank Thermo chromic ink (for example, a latent “void” pattern printed across the entire width of the front of the prescription blank, such that if it is photocopied the word “void” will appear in a pattern across the entire front of the prescription.)
Prevent erasure or modification of information written on the prescription by the prescriber	Tamper-resistant background ink showing erasures or attempts to change written information
Prevent use of counterfeit prescription forms	Sequentially numbered blanks Duplicate or triplicate blanks

The tamper resistant requirement does not apply when a prescription is communicated by the prescriber to the pharmacy electronically, verbally, by fax, or in most situations when drugs are provided in designated institutional and clinical settings and paid for as part of a bundled or per diem payment methodology. The guidance also allows emergency fills with non-compliant written prescriptions as long as the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours.

Please initiate discussions with all contracted prescribers and providers regarding this requirement. Prescribers and providers should be encouraged to contact their prescription pad vendors to ensure the availability of new pads that meet these requirements by the November 1, 2012 effective date. Federal law prohibits payments for prescriptions that do not meet these requirements. The AHCCCS FFS and Contractors’ PBMs must also include these requirements as part of their pharmacy review and audit processes.

If you have any questions, please contact the AHCCCS Pharmacy Department at (602) 417-4726 or visit the AHCCCS Pharmacy website at:

www.azahcccs.gov/commercial/pharmacyupdates.aspx