



Tamper-Resistant Prescription Form Requirements for Medicaid and Medi-Cal Prescriptions Effective October 1, 2007

Note: President Bush signed H.R. 3668 delaying implementation until April 1, 2008.

Effective October 1, 2007, all written, non-electronic prescriptions for Medicaid and Medi-Cal outpatient prescriptions must be on a tamper-resistant prescription form in order to be reimbursable.

A [guidance letter](#) distributed August 17, 2007, to state Medicaid directors by the Centers for Medicare and Medicaid Services (CMS) provides details regarding implementation of tamper-resistant prescription form requirements as required by section 7002(b) of the US Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, and further by California [Senate Bill 400 \(Corbett\)](#) which, amends Section 14132 of, and adds Section 14132.103 to, the Welfare and Institutions Code relating to Medi-Cal.

According to CMS guidelines, tamper-resistant prescription forms must have one or more features that meet the following three fraud prevention characteristics by October 1, 2007, and must contain features that meet all three required fraud prevention characteristics by October 1, 2008.

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

The California controlled substance security prescription form must be used for all written “controlled substance” prescriptions, as currently required by Health and Safety Code section 11162.1. This requirement includes those controlled substance prescriptions written for Medicaid and Medi-Cal outpatients. The California controlled substance security prescription forms, purchased from a Department of Justice-approved security prescription vendor, meet and exceed the CMS requirement

The board encourages prescribers to use the California controlled substance security prescription form for all prescriptions to minimize fraud and ensure prescriptions are written on the proper form regardless of the drug or provider. An added benefit of using the California controlled substance prescription form is that prescribers carry only one prescription pad rather than three different pads. [Click here](#) to view a list of Department of Justice-approved vendors to order California controlled substance prescription forms.

Prescribers can purchase separate tamper-resistant prescription pads for use when writing “non-controlled” medications for Medicaid and Medi-Cal outpatient prescriptions as long as the form satisfies the minimum CMS requirements. The matrix on page three provides some of the more commonly used industry-recognized tamper-resistant features that satisfy each of the three fraud prevention characteristics.

Exceptions and Clarifications

CMS clarifies that the tamper-resistant form requirement does not apply:

- when a prescription is transmitted electronically, verbally, or by fax (in California, this applies to non-controlled or Schedule III – V controlled substance prescriptions);
- to any written controlled substance (Schedule II through V) prescription (must use the California controlled substance prescription form)
- when paid for by a managed care entity;
- when drugs are provided in nursing facilities, intermediate care facilities for the mentally retarded, and other specified institutional and clinical settings; and
- to refills of written prescriptions presented to the pharmacy before October 1, 2007.

The law allows emergency fills of non-compliant prescriptions as long as the prescriber provides a verbal, faxed, electronic, or compliant written (required for schedule II) prescription within 72 hours.

See [Frequently Asked Questions Concerning the Tamper-Resistant Prescription Pad Law](#) issued by CMS on September 12, 2007, for additional clarification.

Matrix of Required Fraud Prevention Characteristics for Medicaid and Medi-Cal Written Prescriptions and Corresponding Examples of Commonly Used Industry-Recognized Tamper-Resistant Paper Features.

Required Fraud Prevention Characteristics	Corresponding Commonly Used Industry Recognized Tamper Resistant Paper Features
1) One or more industry-recognized features designed to prevent the unauthorized copying of a completed or blank prescription.	<ul style="list-style-type: none"> • Void pantograph – Void appears when copied. • Color background with opaque feature that disappears when repeated attempts are made to lighten on a copier. • Microprinting – very small printed message becomes black line when copied. • Anticopy Watermark.
2) One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber.	<ul style="list-style-type: none"> • Chemical stain or void protection when attempts are made to chemically alter. • Shaded sensitive areas or shaded background– when attempts to erase information, erases the shading also.
3) One or more industry – recognized features designed to prevent the use of counterfeit prescription forms.	<ul style="list-style-type: none"> • Thermo-chromic ink feature – changes color or disappears when rubbed briskly. • Secure UV Fiber Paper. • Hologram or image technology. • Security warning bands, border, or box – describes security features and how to authenticate. • Unique batch and lot numbers.

Note: These are just a few of the security features available. You may find vendors that offer similar or additional tamper-resistant technology that may also meet the CMS requirements. For the best protection, always combine multiple features.