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Web Announcement 160

President Signs Bill Delaying Tamper-Resistant Prescription Pad Requirement

On Saturday, Sept. 29, 2007, President George W. Bush signed the “Extenders Law” delaying the implementation date to April 1, 2008, for the requirement that all written prescriptions for fee-for-service Medicaid recipients be written on tamper-resistant prescription pads.

Section 7002(b) of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 required that all written, non-electronic prescriptions for Medicaid outpatient drugs be executed on tamper-resistant pads in order for Medicaid to receive Federal Financial Participation. **The provision, originally scheduled to be implemented Oct. 1, 2007, now becomes effective April 1, 2008.**

The requirements will not apply to e-prescriptions transmitted to the pharmacy, prescriptions faxed to the pharmacy or prescriptions communicated to the pharmacy by telephone by a prescriber. This requirement does not apply to Medicaid Managed Care Organizations.

The Centers for Medicare & Medicaid Services (CMS) has issued guidance, through a [State Medicaid Director Letter](#), regarding the provision. To be considered tamper-resistant on April 1, 2008, a prescription must contain at least one of the following three characteristics:

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

Nevada Medicaid does not recommend, endorse or support any particular vendor for tamper-resistant prescription pads. Providers may use any vendor that provides prescription pads as long as the prescription pads meet at least one of the above mandated characteristics by April 1, 2008.

Until further notice, no later than Oct. 1, 2008, a prescription pad must contain all of the foregoing three characteristics to be considered tamper-resistant.

Updates and additional information will be posted on this website, and in [Chapter 1200](#) of the Division of Health Care Financing and Policy’s Medicaid Services Manual, and on the CMS website (<http://www.cms.hhs.gov>).

Please review the CMS-developed [Frequently Asked Questions](#) for information about retroactive eligibility, emergency fills, drug orders and more.