



Medical Services
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John Hoeven, Governor
Carol K. Olson, Executive Director

MEMORANDUM

TO: ND Medicaid enrolled Physicians, Clinics, Hospitals, and Prescribers (NP's, PA's, etc.)
ND Medicaid enrolled Pharmacies

FROM: Maggie D. Anderson, Director, Division of Medical Services

DATE: July 19, 2007

RE: Tamper-Resistant Prescription Drug Pads

Section 7002 (b) of the U.S. Troop Readiness, Veterans' Health Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 requires the use of tamper-resistant prescription drug pads for prescriptions **written for Medicaid enrollees** beginning on October 1, 2007.

The Centers for Medicare and Medicaid Services (CMS) will be producing guidance on this issue in the future, but they have not guaranteed a time frame for issuing this guidance. Therefore, we are sending this notice to make everyone aware of the issue and allow work to begin towards complying with this new **federal** law. This guidance is based on our best logic and may not be what is in the final guidance from CMS. Once the CMS guidance is issued, that will be the standard that all Medicaid providers must follow.

- The guidance should address the definition of tamper resistant, but for now we will assume that it means the paper will not allow photocopying or duplication in any fashion (e.g. the word 'void' or 'copy' will appear when photocopied).
- The law applies to all written prescriptions, which includes printer generated prescriptions printed in the physician's office and given to the patient as well as 'stamped' or 'standing order' prescription blanks used by some prescribers.
- We assume the law does not apply to prescriptions that are:
 - Telephoned into the pharmacy
 - Faxed to the pharmacy
 - Transmitted via e-prescribing
 - Prescriptions on standard physician order forms for swing beds / nursing home delivery and consumption

Many physicians and clinics have been using tamper resistant paper for many years (e.g. Medcenter One Health Systems) so there should be some experienced suppliers available. ND Medicaid does not have a list of suppliers.

Thank you for your continued service to the North Dakota Medicaid population.