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**IMPORTANT CHANGE EFFECTIVE  
OCTOBER 1, 2007**

**INFORMATIONAL NOTICE**

**DATE:** September 5, 2007  
**TO:** All Participating Medical Assistance Providers  
**RE:** Tamper-Resistant Prescription Pads

The Department of Healthcare and Family Services (HFS) is making changes in compliance with a new federal law regarding Medicaid prescriptions. A recent change in federal law, included in section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, requires that all non-electronic Medicaid prescriptions be written on tamper-resistant prescription pads effective October 1, 2007. This notice explains how HFS plans to implement the new requirement.

It is HFS' intent to implement this new provision while ensuring the least disruption for prescribers, pharmacies, and patients. HFS' primary concerns are to ensure that patient care is not disrupted, and that the requirement does not cause a significant burden for providers.

Key points of this requirement include:

- The requirement does not apply to electronic prescriptions. An electronic prescription is one that is transmitted from the prescriber to the pharmacy via telephone, telefacsimile, electronic prescribing (e-prescribing) mechanism, or other means of electronic transmission. The Department strongly encourages providers to use an electronic method to transmit prescriptions to pharmacies.
- The federal requirement applies to all prescriptions billed to Medicaid, regardless of whether Medicaid is the primary or secondary payor.
- The requirement applies to all prescribers, not just physicians.
- The requirement does not apply to refills or renewals of prescriptions existing at the pharmacy prior to October 1, 2007.

- If a patient presents with a prescription that is not written on a tamper-resistant prescription pad, and the pharmacist, in his or her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may fill the prescription. In such cases, the federal Centers for Medicare and Medicaid Services (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.
- Prescriptions written for individuals covered by the following programs are exempt from these new federal requirements:
  - All Kids Premium Level 2 through 8
  - Veterans Care

HFS will follow federal CMS guidelines with regard to the specific requirements for the prescription pads. CMS requires that, effective October 1, 2007, in order to be considered tamper-resistant, a prescription pad must contain at least one of the following characteristics:

- 1) One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank form;
- 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.

Beginning October 1, 2008, federal CMS requires a prescription pad to contain all three of the characteristics listed above in order to be considered tamper-resistant.

Again, the Department strongly encourages prescribers to use an electronic method to transmit their prescriptions to the pharmacy.

Further information on this policy, including a question and answer document, is available on the Department's web site at <http://www.hfs.illinois.gov/pharmacy/tamper.html>

Questions regarding this notice may be directed to the Bureau of Pharmacy Services at 1-877-782-5565.



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