



Maine Department of Health and Human Services

Office of MaineCare Services
11 State House Station
Augusta, ME 04333-0011

Brenda M. Harvey
Commissioner

John Elias Baldacci
Governor

Anthony Marple
Director

August 29, 2007

RE: Medicaid Tamper-Resistant Prescription Information

Dear Provider and Pharmacist:

The purpose of this letter is to inform you of the amendment in Section 7002(b) - U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 signed into law on May 25, 2007.

Section 7002(b) of the Social Security Act states that payment shall not be made for “--- amounts expended for medical assistant for covered outpatient drugs (as defined in section 1972(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 becomes effective on October 1, 2007 and applies to all outpatient drugs, including over-the-counter drugs. The law is applicable regardless of whether Medicaid is the primary or secondary payor of the prescription being filled.

Exceptions to section 1972(k) (2) are provided in section 1972(k) (3) of the act. These exceptions include drugs provided in nursing facilities, intermediate care facilities for the mentally retarded, and other specified institutional and clinical settings. The tamper-resistant pad requirement does not apply to refills of written prescriptions presented at a pharmacy before October 1, 2007. It does not apply to e-prescriptions, faxed prescriptions, or prescriptions communicated to the pharmacy by telephone.

To be considered tamper resistant on October 1, 2007, a prescription pad must contain at least one of the following three characteristics:

1. one or more industry-recognized features designed to prevent unauthorized copying of 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;
3. one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

By October 1, 2008, a prescription pad must contain all three to be considered tamper resistant. Please refer to www.mainearepdl.org for more information on Tamper resistant pads and vendors that supply the pads (will be available September 5, 2007).

The State of Maine will be enforcing the law through random audits of pharmacies. More details on the audit will be sent to pharmacies very soon.

Our vision is Maine people enjoying safe, healthy and productive lives.

Phone: 1-866-796-2463
(207) 287-7131

Fax: (207) 287-8601 – Pharmacy Unit
(207) 287-7643 – MaineCare Authorization Unit
(207) 287-1864 – Quality Management Unit
(207) 287-6533 – Classification/Case Mix Unit

TTY: 1-800-423-4331
(207) 287-1828



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If you have any questions or concerns please feel free to contact the Pharmacy Help Desk at 1-888-420-9711 or Jennifer Cook at 207-287-2705 and email Jennifer.Cook@Maine.gov.

Sincerely;

A handwritten signature in black ink, appearing to read 'Bruce McClenahan'.

Bruce McClenahan,
Pharmacy Unit Manager

cc: Brenda McCormick
Jude Walsh
Jennifer Cook

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