

Tamper-Resistant Prescription Pad Mandate Requirements

1. Originally was to be effective October 1, 2007, but was delayed by Congress until April 1, 2008.
2. Applies to all Medicaid, SeniorCare and BadgerCare prescription orders.
3. Applies to all written and/or printed prescription orders– e-prescriptions, faxed prescriptions, or prescriptions communicated via telephone are allowed.
4. Is not limited to prescription orders for controlled substances. All prescription orders must comply, including orders for OTC products.
5. Does not apply to refills of prescription orders presented originally at a pharmacy before April 1, 2008.
6. To be considered “tamper-resistant,” a prescription pad must contain one of the following characteristics:
 - b) An industry-recognized feature to prevent unauthorized copying.
 - c) An industry-recognized feature to prevent the erasure or modification of information on the prescription.
 - d) An industry-recognized feature to prevent the use of counterfeit prescription forms.

Note: On October 1, 2008, all three of the characteristics must be implemented.
7. To the extent permissible under federal and Wisconsin law, emergency prescriptions may be dispensed, and reimbursed, as long as the pharmacy receives a compliant prescription order within 72 hours. Compliant prescription orders include those on tamper-resistant paper, e-prescriptions, fax prescriptions and prescription orders communicated telephonically by the prescriber. If the pharmacy does not receive a compliant prescription within the allotted time, the payment made to the pharmacy for the claim corresponding to the non-compliant order may be recouped, in full, by the Medicaid program.
8. The Wisconsin Department of Health and Family Services (DHFS) has been providing a limited number of prescription pads for all interested prescribing practitioners. These prescription pads will include all three of the tamper resistant characteristics as specified by the mandate. Practitioners should contact the Department to request a list of printing companies that have contracted with the state to provide the compliant forms. The DHFS contact for this is Pam Appleby at (608)266-7685, or appleps@dhfs.state.wi.us.
9. Wisconsin pharmacy providers should not dispense medications pursuant to prescription orders that are non-compliant with the federal requirement. Pharmacists should either contact the prescriber to request a compliant prescription order or direct the Medicaid, SeniorCare or BadgerCare enrollee to request a compliant prescription order from the involved prescriber directly.