



MEMORANDUM

DATE: March 20, 2008

TO: Michigan Prescribers

FROM: Karen Jonas, Director of Professional Practice

SUBJECT: Tamper-resistant Prescription Pad Law

Prescribers need to be aware of the upcoming compliance date for implementation of the tamper-resistant prescription law. Effective April 1, 2008, all outpatient drugs paid by Medicaid either directly or through secondary or tertiary coverage will only be reimbursable if “nonelectronic” written prescriptions are executed according to tamper-resistant policy. Since many Michigan residents carry dual insurance, the tamper-resistant prescription policy can affect many more individuals than the straight Medicaid beneficiary. Prescribers should be prepared to provide any written prescription for any patient, regardless of insurance, on tamper-resistant prescriptions.

The Michigan Department of Community Health (MDCH) issued MSA Bulletin 07-51; Clarification on Use of Tamper Resistant Prescription Pads on September 1, 2007. The document included provisions which exceeded the baseline federal requirements for use of tamper-resistant prescriptions. Prescriber in Michigan, therefore, should take note of the following additional provisions:

- The tamper-resistant prescription policy applies for beneficiaries who become **retroactively** enrolled in the Medicaid program.
- Carve-out drugs which are reimbursed by MDCH through its pharmacy benefit manager (antipsychotics, antidepressants, anxiolytics and HIV medications) must comply with the tamper-resistant prescription program, even if these beneficiaries are enrollees of a Medicaid Health Plan, County Health Plan or in a Medicare Part D program.
- Beneficiaries who have Medicaid coverage in addition to other primary healthcare coverage (e.g., BCBSM, Aetna, PHP) and who have a portion of the costs of the prescription, such as a copay, billed to Medicaid must comply with the tamper-resistant prescription policy.
- Medicaid beneficiaries receiving prescription drugs, who reside in intermediate care facilities for the mentally retarded or other clinical centers that have prescription drugs that are billed to Medicaid (e.g., Medicare Part D excluded drugs such as benzodiazepines) must comply with the tamper-resistant prescription policy.

It is highly recommended that prescribers (e.g., physicians, dentists, physician assistants, nurse practitioners, optometrists) when writing prescriptions for ALL Michigan beneficiaries implement the following procedures:

- Follow the tamper-resistant prescription policy for **all** written prescriptions (both noncontrolled and controlled substance medications), effective April 1, 2008.
- Verbally communicate prescription orders for noncontrolled and controlled substance medications directly to the pharmacy.
- Transmit prescriptions electronically (e-prescribe) from the physician's computer directly to the pharmacy computer or pharmacy fax for noncontrolled substances. (There are no federal provisions for e-prescribing of controlled substances.)
- Transmit noncontrolled and controlled substance prescriptions (Schedules III-V) from your facsimile machine to the pharmacy. (These must be manually signed by the prescriber.)
- Follow the tamper-resistant prescription policy for all Schedule II controlled substances. (These prescriptions must be written.)

If the authenticity of any prescription, whether these prescriptions are executed according to tamper-resistant prescription policy or not, cannot be verified at the pharmacy counter by the pharmacist, the pharmacist should call to verify the information with the prescriber. If the prescriber cannot be reached for verification, the patient may not be able to obtain their needed medication.

If you have any questions or need additional clarification about the tamper-resistant prescription law, please feel free to contact me at (517) 377-0254 or by e-mail at kjonas@michiganpharmacists.org.