CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES

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Mark D. Birdwhistell
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Shawn M. Crouch
Commissioner

September 14, 2007

TO: All *KyHealth Choices* Providers:
General Provider Letter: A-77

RE: New Tamper-resistant Prescription Pad Requirements Effective 10/1/07

Dear ***KyHealth Choices*** Provider:

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, was signed into law on May 25, 2007. One of the provisions of the legislation mandates the use of tamper-resistant prescription pads for written prescriptions for all outpatient medications, including over-the-counter medications, reimbursed by state Medicaid programs. This provision is effective October 1, 2007.

On August 17, 2007, the Centers for Medicare & Medicaid Services (CMS), issued a letter to State Medicaid Directors (http://www.cms.hhs.gov/SMDL/downloads/SMD081707.pdf) with guidance on implementing the new requirements. As part of that guidance, CMS has deemed that the current tamper-resistant pads mandated for controlled substance prescriptions in Kentucky will meet the requirement of the federal mandate at least until October 1, 2008 when further requirements will go into effect.

Thus, effective October 1, 2007, Medicaid outpatient medications will be reimbursable only if written outpatient and over-the-counter prescriptions are executed on a tamper-resistant pad that meets or exceeds the requirements of 902 KAR 55:105.
(http://www.lrc.ky.gov/kar/902/055/105.htm)

Enforcement of the tamper-resistant prescription pads for Medicaid members begins on October 1, 2007. If a prescription isn't on the correct paper, pharmacies may refuse to fill the prescription, call the physician's office to obtain an oral prescription or opt to fill the prescription as an "emergency" situation, then follow-up with the physician's office to get the prescription information in an acceptable format. **To avoid delays in patient care, prescribers should make sure that they have an adequate supply of tamper-resistant prescription pads to meet the October 1 effective date.**

For out-of-state prescriptions, pharmacies may accept the current required pads for controlled substances in Kentucky or the tamper-resistant pads that are approved by those states. Each state is working to issue instructions regarding their requirements for compliance with this new legislation.

There is a requirement for all states to be in compliance with all three requirements for tamper-resistant prescription pads by October 1, 2008. We will issue further guidance once we have determined what changes may be necessary, if any, for Kentucky to be in compliance at that time.

If you have any questions, please call 1-800-432-7005 for assistance.

Sincerely,

Shawn M. Crouch
Commissioner

SMC/CB/CM/jlc00328

Xc: Ronji Dearborn; Sandeep Kapoor, DMS (electronic version); Kristy Taylor-Standifer, EDS (electronic version); DMS Division Directors: Holly Chesnut, FH (electronic version); Carl Ishmael, DMS (electronic version): Mary Rhodes, FH (electronic version;