



STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care Programs **PT 9-08**

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Nursing Home Transmittal No. 207
Pharmacy Transmittal No. 184
October 2, 2007

TO: Nursing Homes and Pharmacies
FROM: Susan J. Tucker, Executive Director, Office of Health Services
Susan J. Tucker
RE: Clarification of Tamper-Resistant Prescription Requirements for Nursing Homes

New Guidance from Federal Government

On August 30, 2007 DHMH issued General Provider Transmittal No.63 regarding federal law requiring use of tamper-resistant prescription pads by October 1, 2007. At that time it was our understanding that in nursing home situations where drugs are separately reimbursed, all prescriptions would be subject to the tamper-resistant requirement. The federal government has recently provided further clarification on issues related to this law, which can be found in a frequently asked questions document on the Centers for Medicare & Medicaid Services website at <http://www.cms.hhs.gov/DeficitReductionAct/Downloads/MIPTRPFAQs9122007.pdf>.

From the clarification quoted below, it is now our understanding that in **any situation in which the patient does not have the opportunity to physically handle the prescription, the tamper-resistant requirement does not apply.**

Quoting from the CMS Frequently Asked Questions Document:

Q: Must a written order provided in an institutional setting described in section 1927(k)(3), and separately reimbursed by Medicaid, that is written into the medical record and conveyed by medical staff to a pharmacy be executed on a tamper-resistant prescription pad?

A: CMS has concluded that a written order prepared in an institutional setting where the doctor or medical assistant writes the order into the medical record and then the order is given by medical staff directly to the pharmacy is considered "tamper resistant," so long as the patient never has the opportunity to handle that written order.

Extension for Compliance to Tamper-Resistant Prescription Requirements

Due to federal legislation recently passed and signed, **the new requirements which were to be applicable effective October 1, 2007, will now be effective April 1, 2008.**

Questions concerning this transmittal should be directed to the manager of Pharmacy Services at 410-767-1455.