

Popovits & Robinson

ATTORNEYS AT LAW

CLIENT ADVISORY

August 2008

*Frankfort: 20635 Abbey Woods Court, Frankfort, IL 60423 (708) 479-3230
Bloomington: 1003 Martin Luther King Drive, Bloomington, IL 61701 (309) 827-6026*

Compliance with Medicaid Tamper Resistant Requirements

The Centers for Medicare and Medicaid Services (“CMS”) has clarified its policy regarding computer generated prescriptions. CMS now states that electronic medical records or prescriptions generated using “ePrescribing” software may be printed on plain paper and be compliant with CMS regulations regarding prescription security as long as the printed prescriptions contain one feature from each of the following three categories:

1. **Copy Resistance.** The word “void,” “illegal,” or “copy” appears when the prescription is photocopied, or the prescription includes microprinting, which is a very small font that is legible when viewed at 5x magnification or greater, and illegible when copied.
2. **Erasure/Modification Resistance. Erasure** - A background is used that consists of a solid color or consistent pattern that has been printed onto the paper, or toner lock paper is used, which establishes a strong bond between laser printed text and paper.

Modification - Quantities and refill numbers are surrounded by special characters such as an asterisk to prevent modification. This reduces the ability to alter the prescription

3. **Counterfeit Resistance.** A list of security features on the prescription aids the pharmacist in identification of features and determining compliance.

It is recommended for Erasure/Modification Resistance that one feature for erasure resistance and one feature of modification resistance be used.

The National Council on Prescription Drug Programs provides samples for each of these categories.

For more information please contact Popovits & Robinson at 708/479-3230.

This publication is for the general information of clients and friends of Popovits & Robinson. It does not provide legal advice for any specific matter. Popovits & Robinson excludes all liability with respect to any part of this document, including without limitation, any errors or omissions.