

**“Tamper-Resistant Prescription Pads”**

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## Delaware

### **NABPLAW Online 2009/NABPLAW/DELAWARE/DELAWARE Pharmacy Practice Act /DE PracAct Chapter 47. Uniform Controlled Substances Act/DE PracAct Subchapter VII. Miscellaneous/DE PracAct Sec. 4797. Statewide authorized tamper resistant prescription forms.**

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#### **DE PracAct Sec. 4797. Statewide authorized tamper resistant prescription forms.**

(a) Effective October 1, 2009, every prescription written in this State by a practitioner shall be written on a statewide authorized tamper-resistant prescription form. This section shall not apply to prescriptions generated within a licensed medical facility that results in the internal dispensing of prescription drugs to any patient receiving treatment in that facility, nor to tamper-resistant prescription forms electronically generated within a licensed medical facility that meet the criteria established by the committee created under this section.

(b) "Statewide tamper-resistant prescription pads" shall be defined as a prescription pad, which has been authorized by the State for use, and meets the following criteria:

- (1) Prevention of unauthorized copying,
- (2) Prevention of erasure or modification; and
- (3) An ability to prevent counterfeit prescription forms.

(c) The Secretary of the Delaware Department of Safety and Homeland Security (DSHS), or the Secretary's designee, shall form a committee consisting of representatives of state agencies and private sector interests. The purpose of the committee is to establish a statewide prescription form with specific criteria pursuant to this section to eliminate or significantly reduce prescription fraud. The committee shall develop the standard format and identifying markers on the front and back of the prescription form to be used by practitioners throughout the State. "Markers" shall be defined as the specific criteria under this subsection which shall be authorized by the State to be used on a statewide prescription form. The committee shall further develop a request for proposal which shall contain the adopted format and criteria approved by the committee to be submitted for bid to the State. The committee shall also have the authority to promulgate rules and regulations for the implementation of the provisions of this subsection. The committee shall be comprised of the following members:

- (1) The Secretary of the Department of Safety and Homeland Security or the Secretary's

designee;

(2) A representative from the Office of Narcotics and Dangerous Drugs to be appointed by the Secretary of the Department of Safety and Homeland Security;

(3) A representative from the Medical Society of Delaware to be appointed by the Governor;

(4) A representative from the pharmaceutical industry to be appointed by the Governor;

(5) The Director of the Division of Professional Regulation or the Director's designee;

(6) A representative of the Delaware Healthcare Facilities Association to be appointed by the Governor;

(7) The Director of Medicaid and Medical Assistance or the Director's designee;

(8) A representative of the Board of Pharmacy to be appointed by the Director of the Division of Professional Regulation;

(9) A representative from the Delaware Healthcare Association to be appointed by the Governor;

(10) A representative from the Office of Controlled Substances to be appointed by the Director of the Division of Professional Regulation;

(11) A representative from the Delaware Pharmacists Society to be appointed by the Governor;

(12) Two members at-large to be appointed by the Governor of the State.

History: Added by 76 Laws 2008, ch. 352, Section 1, eff. July 16, 2008; 70 Laws 1995, ch. 186, Section 1.

NABP 02/2009

## Kentucky

### **NABPLAW Online 2009/NABPLAW/KENTUCKY/KENTUCKY Board of Pharmacy Regulations/KY BReg Title 902. Chapter 55. Controlled Substances/KY BReg 902 KAR 55:105. Controlled substance prescription blanks.**

#### **KY BReg 902 KAR 55:105. Controlled substance prescription blanks.**

##### Section 1. Definitions.

(1) "Logo" means a symbol utilized by an individual, a pharmacy, professional practice, professional association, or hospital.

(2) "Security prescription blank" means a prescription blank that complies with the requirements of Section 3 of this administrative regulation.

##### Section 2. Security Prescription Blanks Required.

(1) Beginning January 1, 1999, a written prescription for a controlled substance shall be on a security prescription blank unless, pursuant to Section 7 of this administrative regulation, the cabinet has granted a waiver to the practitioner who wrote the prescription or to the pharmacy that dispenses it.

(2) A practitioner who is licensed in Kentucky and in another state shall utilize a security prescription blank for writing a prescription for a controlled substance while practicing his profession within the Commonwealth unless, pursuant to Section 7 of this administrative regulation, the cabinet has granted a waiver to the practitioner or to the pharmacy that dispenses the controlled substance.

##### Section 3. Requirements of a Security Prescription Blank.

(1) A prescription for a controlled substance shall contain the following security features:

(a) A latent, repetitive "void" pattern screened at five (5) percent in pantone green shall be printed across the entire front of the prescription blank. If a prescription is photocopied, the word "void" shall appear in a pattern across the entire front of the prescription;

(b) A watermark shall be printed on the backside of the prescription blank so that it shall only be seen at a forty-five (45) degree angle. The watermark shall consist of the words

"Kentucky Security Prescription", and appear horizontally in a step-and-repeated format in five (5) lines on the back of the prescription using twelve (12) point Helvetica bold type style;

(c) An opaque ] symbol shall appear in the upper right-hand corner, one-eighth (1/8) of an inch from the top of the prescription blank and five-sixteenths (5/16) of an inch from the right side of the prescription blank. The symbol shall be three-fourths (3/4) of an inch in size and disappear if the prescription copy is lightened;

(d) Six (6) quantity check off boxes shall be printed on the form and the following quantities shall appear:

1. ! 1-24;

2. ! 25-49;

3. ! 50-74;

4. ! 75-100;

5. ! 101-150;

6. ! 151 and over;

(e) A logo may appear on the prescription blank. The upper left one (1) inch square of the prescription blank shall be reserved for a logo;

(f) The following statement shall be printed on the bottom of the prescription blank:  
"Prescription is void if more than one (1) prescription is written per blank";

(g) Refill options shall appear below any logo on the left side of the prescription blank in the following order: Refill NR 1 2 3 4 5; and

(h) A prescription blank shall be four and one-quarter (4 1/4) inches high and five and one-half (5 1/2) inches wide.

(2) A prescription shall bear the preprinted, stamped, typed, or manually printed name, address and telephone number of the prescribing practitioner.

(3) A prescription blank for a controlled substance shall not contain:

- (a) An advertisement on the front or the back of the prescription blank;
  - (b) The preprinted name of a controlled substance; or
  - (c) The written, typed, or rubber-stamped name of a controlled substance until the prescription blank is signed, dated and issued to a patient.
- (4) A prescription blank for a controlled substance shall provide space for the patient's name and address, the practitioner's signature and the practitioner's DEA registration number.

#### Section 4. Other Requirements.

- (1) Only one (1) prescription shall be written per prescription blank.
- (2) A quantity check-off box that corresponds to the quantity prescribed shall be marked.
- (3) If a prescribed drug is a schedule III, IV or V controlled substance, a refill option shall be marked.
- (4) If a prescription for a schedule III, IV, or V controlled substance will be transmitted to a pharmacy by facsimile, the practitioner or the practitioner's agent shall, prior to transmission, write or stamp "FAXED" on the face of the original prescription along with the date and the person's initials.
- (5) If a pharmacist uses due diligence in ascertaining the validity of a prescription, a prescription for a schedule III, IV, or V controlled substance that is transmitted to a pharmacy by facsimile shall be exempt from the requirement of green ink in Section 3(1)(a) of this administrative regulation and the requirement of a watermark in Section 3(1)(b) of this administrative regulation.
- (6) If a prescription for a schedule III, IV or V controlled substance has been transmitted to a pharmacy by facsimile, the transmitting practitioner shall file the original prescription in the patient's record.

#### Section 5. Exceptions.

A pharmacist shall not be required to use a security prescription blank to record an oral prescription or a transferred prescription for a Schedule III, IV, or V controlled substance.

Section 6. Printers, Reproducers or Distributors of Security Prescription Blanks. (1) A printer, reproducer or distributor of security prescription blanks shall require a written purchase order or request for security prescription blanks. A written purchase order or request shall remain on file for two (2) years.

(2) A purchase order or request shall be signed by:

(a) A practitioner whose name shall be printed on the security prescription blanks; or

(b) The chief medical official of a health care facility or pharmacist-in-charge of a pharmacy, if the security prescription blanks are requested on behalf of a practitioner who stamps, types or manually prints his name, address, telephone number and DEA number on the security prescription blank.

(3) The provisions of this section shall not apply to distributions between printers, reproducers, or distributors.

Section 7. Waiver of Security Prescription Blanks.

(1) A practitioner or a pharmacy may apply in writing to the cabinet for a waiver from the requirement for security prescription blanks. A request for a waiver shall include:

(a) A detailed statement of the security features provided by the system proposed by the applicant for the prevention of forgery or alteration of an original prescription; or

(b) The format of the alternative prescription blank.

(2) The system or prescription blank proposed by the applicant shall provide a level of security equivalent to a security prescription blank.

(3) The cabinet shall grant or deny the application in writing within sixty (60) days after the request is received.

(4) When a waiver has been granted, the cabinet may suspend or revoke the waiver if the alternative system or alternative prescription blank does not provide security equivalent to a security prescription blank.

(5) Upon notification of denial, suspension, or revocation of the waiver of the requirement for a security prescription blank, the practitioner or pharmacy may request a

hearing. The administrative hearing shall be conducted in accordance with 902 KAR 1:400.

History: Effective December 16, 1998.

NABP 04/2009

## **Maine**

**NABPLAW Online 2009/NABPLAW/MAINE/MAINE Pharmacy Practice Act/ME PracAct Title 32. Professions and Occupations/ME PracAct Chapter 117. Maine Pharmacy Act/ME PracAct Subchapter 9. Miscellaneous Provisions/ME PracAct 13786-A. Security requirements; rules.**

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### **ME PracAct 13786-A. Security requirements; rules.**

1. Rules. The Department of Public Safety, after consultation with the Board of Osteopathic Licensure, the Board of Licensure in Medicine and the Board of Pharmacy, shall adopt rules that establish security requirements for all written prescriptions for schedule II drugs issued by health care providers. For purposes of this section, "schedule II drug" has the same meaning as in the federal Controlled Substances Act of 1970, 21 United States Code, Section 812. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be brought back for review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters during the 2nd Regular Session of the 120th Legislature. The rules must include a procedure to obtain a waiver for prescription blanks that provide substantially equivalent protection against forgery. The rules must deal with the following subjects:

A. Measures designed to prevent unauthorized copying of a completed or blank prescription form;

B. Measures designed to prevent the erasure or modification of information written on the prescription by the prescribing health care provider; and

C. Measures to prevent the use of counterfeit prescription forms.

2. Out-of-state prescription security requirements. Notwithstanding any law or rule to the contrary, a prescription for a schedule II drug written by an out-of-state practitioner on a

prescription blank that does not comply with the requirements for a security prescription blank, as defined in the Department of Public Safety rule pursuant to subsection 1, may be filled by a pharmacist only if:

A. The pharmacist receives and makes a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent and the pharmacist makes a reasonable effort to determine that the oral confirmation came from the practitioner or the practitioner's agent, which may include a telephone call to the practitioner's telephone number listed in a telephone directory or other directory or other good faith efforts to confirm the identity of the person giving the oral confirmation; and

B. The pharmacist demands, inspects and records a valid photographic identification from any person presenting a prescription or receiving a filled prescription unless:

(1) The person is the patient for whom the prescription is written;

(2) The person's identity is personally known to the pharmacist; and

(3) The pharmacist confirms by reviewing the pharmacy records that the pharmacist has previously demanded, inspected and recorded a valid photographic identification from the person.

3. Valid photographic identification. For the purposes of subsection 2, a valid photographic identification is limited to the following:

A. A valid Maine motor vehicle operator's license;

B. A valid Maine identification card issued under Title 29-A, section 1410;

C. A valid United States passport; or

D. A valid passport or motor vehicle operator's license of another state, territory or possession of the United States or a foreign country only if it:

(1) Contains a photograph of the person presenting the prescription;

(2) Is encased in tamper-resistant plastic or is otherwise tamper-resistant; and

(3) Identifies the date of birth of the person presenting the prescription.

4. Partial filling of out-of-state prescriptions. The partial filling of a prescription for a schedule II drug written by an out-of-state practitioner on a prescription blank that does not comply with the requirements for a security prescription blank, as defined in the Department of Public Safety rule pursuant to subsection 1, is permissible if the pharmacist is unable after reasonable effort to obtain the oral confirmation described in subsection 2 in the case of the practitioner's office being closed during nights, weekends or holidays. The partial filling is limited to a 72-hour supply of the controlled substance. The remaining portion of the prescription may be filled within the 72-hour period upon obtaining the oral confirmation. No further quantity may be filled beyond the 72 hours without a new prescription.

History: 2001, c. 419, Section 23; 2003, c. 326, Section 1, eff. May 27, 2003.

NABP 08/2009

## **Oregon**

**NABPLAW Online 2009/NABPLAW/OREGON/OREGON State Board Regulations/OR BReg Chapter 855. Board of Pharmacy/OR BReg Division 41. Operation of Pharmacies.../OR BReg 855-041-0061. Tamper-Resistant Prescription.**

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### **OR BReg 855-041-0061. Tamper-Resistant Prescription.**

When the use of a tamper-resistant prescription is required by any federal or state law or rule, the term "tamper-resistant" shall have the meaning as defined in OAR 855-006-0015.

Stat. Auth.: 689.205. Stats. Implemented: ORS 689.155

History: BP 2-2007(Temp), f. & cert. ef. 8-27-07 thru 2-18-08; BP 1-2008, f. & cert. ef. 2-5-08.

NABP 07/2009

**NABPLAW Online 2009/NABPLAW/OREGON/OREGON State Board  
Regulations/OR BReg Chapter 855. Board of Pharmacy/OR BReg Division 6.  
Definitions/OR BReg 855-006-0015. Additional Definitions.**

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**OR BReg 855-006-0015.  
Additional Definitions.**

(1) Electronically Transmitted Prescription:

(a) Where used in this chapter, Electronically Transmitted Prescription (ETP) means a prescription for a drug or medical device issued by a practitioner, who is licensed and authorized to prescribe pursuant to the laws of this state and is acting within the scope of his or her practice, which has been transmitted by an electronic means that may include but is not limited to:

(A) Transmission by facsimile or hand held digital electronic device to a computer or facsimile;

(B) Transmission from a computer to another computer;

(C) Transmission by facsimile to computer; or

(D) Transmission from a computer to facsimile.

(b) ETP does not include an oral prescription that has been reduced to writing by a pharmacist pursuant to OAR 855-041-0085 and does not include prescriptions, or drug or device orders written for inpatient use in a hospital.

(c) For an ETP to be valid, it must contain the name and immediate contact information of the prescriber, and be electronically encrypted or in some manner protected by up-to-date technology from unauthorized access, alteration or use.

(2) Tamper-resistant Prescription:

(a) Where used in this chapter, Tamper-resistant Prescription means a form for the purpose of issuing a hand written or typed prescription, intended to be manually delivered to a pharmacy, which has been developed, produced and formatted to ensure security, integrity and authenticity using currently accepted technologies.

(b) Formatted features may include but are not limited to characteristics such as:

(A) The word "void" appears when photocopies are attempted;

(B) Background ink which reveals attempted alterations;

(C) Heat sensitive ink that changes colors;

(D) Penetrating ink to prevent chemical alterations;

(E) A watermark which cannot be photocopied;

(F) Coin reactive ink that reveals word when rubbed with a coin;

(G) Sequential numbering.

Stat. Auth.: 689.205. Stats. Implemented: ORS 689.155

History: BP 2-2007(Temp), f. & cert. ef. 8-27-07 thru 2-18-08; BP 1-2008, f. & cert. ef. 2-5-08.

NABP 07/2009

## Tennessee

### **NABPLAW Online 2009/NABPLAW/TENNESSEE/TENNESSEE Pharmacy Practice Act/TN PracAct Title 53. Food, Drugs & Cosmetics/TN PracAct Chapter 10. Legend Drugs/TN PracAct Part 4. Tamper-Proof Prescriptions/TN PracAct 53-10-401. Tamper-resistant prescription paper.**

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#### **TN PracAct 53-10-401.**

#### **Tamper-resistant prescription paper.**

(a) All prescriptions written or printed by practitioners authorized to write prescriptions in this state shall be written on tamper-resistant prescription paper that meets the current centers for medicare and medicaid services guidance to state medicaid directors regarding 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, P.L. 110-28, and meets or exceeds specific TennCare requirements for tamper-resistant prescription paper.

(b) A pharmacist shall not fill a written prescription from a Tennessee practitioner unless issued on tamper-resistant prescription paper, except that a pharmacist may provide emergency supplies in accordance with TennCare or other insurance contract requirements. Nothing in this section shall be construed to impact regulations regarding verbal, facsimile, electronic, or out-of-state prescription practices.

(c) All existing statutory requirements regarding prescriber-specific information to be included on prescriptions shall also apply to tamper-resistant prescriptions.

(d) Unique serial numbers may be included on tamper-resistant prescription paper for purposes of enhancing efforts to track and enforce any potential fraud. Inclusion of such numbers on the prescription shall not be construed as obligating prescribers or pharmacists to any additional tracking, monitoring or reporting requirements and prescribers and pharmacists shall bear no responsibility or liability with respect to the potential use of these unique serial numbers for enforcement purposes.

(e) Practitioners shall utilize reasonable safeguards to assure against theft or unauthorized use of any prescriptions.

(f) Manufacturers of tamper-resistant prescription paper shall have an annual industry-approved SAS 70 audit that shall be made available by the manufacturer upon request by the board of pharmacy. The board of pharmacy shall maintain a list of any manufacturers who fail to show proof of such audit. The list shall be made available to prescribers and pharmacists in this state in a manner deemed appropriate by the board of pharmacy.

(g) This section shall not apply to prescriptions written by veterinarians.

(h) This section shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor, or other person authorized to write prescriptions, writes the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted care living facility as defined in Section 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under title 33 or individuals incarcerated in a local, state or federal correctional facility.

History: 2008 Pub.Acts, c. 1035, Sections 1, 9.

NABP 08/2009

## **Vermont**

### **9.5 Tamper Resistant Prescription Forms This Rule does not take effect until January 1, 2010.**

(a) Prescriptions shall be written so as to:

- (1) prevent unauthorized copying of a completed or blank prescription form,
- (2) prevent erasure or modification of information written on the prescription by the prescriber; and
- (3) prevent the use of counterfeit prescription forms.

(b) Handwritten prescriptions must be written on a tamper resistant pad.

(c) Computer generated printed prescriptions must be printed on tamper resistant paper or other tamper proof methods as defined by the Centers for Medicaid and Medicare Services, including micro-printing and/or printing a "void" pantograph accompanied by a reverse "Rx," which causes a word such as "Void," "Illegal," or "Copy" to appear when the prescription is photocopied.

(d) Prescriptions written which comply with Medicaid rules will satisfy this rule.

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(e) Prescription form features which will satisfy this rule could, for example, include the following properties:

- (1) a colored background with a watermark;
- (2) when photocopied read "void" in the background;
- (3) have printed on the form the name of the prescriber or hospital identification and batch numbering with serially numbered pages for prescriptions;

**9.6 Loss of Prescription Pads or Forms** Loss of any prescription pads or forms should be immediately reported to local law enforcement officials and the Board of Pharmacy.