

1-002.02N Requirements for Written Prescriptions: The Nebraska Medical Assistance Program will not pay for written prescriptions for prescribed drugs unless executed on a tamper-resistant pad as required by federal law. This includes written prescriptions:

1. For otherwise covered prescription-only and over-the-counter drugs.
2. When Medicaid is the primary or secondary payer.
3. For drugs provided in Nursing Facilities, ICF/MR facilities, and other specified institutional and clinical settings (inpatient and outpatient hospital, hospice, dental, laboratory, x-ray and renal dialysis) when the drug is separately reimbursed.

1-002.02N1 Exclusions: The following prescriptions and other items are not required to be written on tamper-resistant prescription pads:

1. Orders for drugs provided in Nursing Facilities, ICF/MR facilities, and other specified institutional and clinical settings (inpatient and outpatient hospital, hospice, dental, laboratory, x-ray and renal dialysis) for which the drug is not separately reimbursed, but is reimbursed as part of a total service;
2. Refills of written prescriptions that are presented at a pharmacy before April 1, 2008;
3. Faxed prescriptions;
4. Telephoned, or otherwise orally transmitted prescriptions;
5. E-prescribing, when the prescription is transmitted electronically;
6. Prescriptions for Medicaid recipients that are paid entirely by a managed care entity; and
7. Co-pays covered by DHHS funds for prescriptions for drugs covered by Medicare Part D, for certain dual eligible persons.

1-002.02N2 Effective April 1, 2008, a written Medicaid prescription must contain at least one of the following characteristics:

1. An industry-recognized feature designed to prevent unauthorized copying of a completed or blank prescription form, such as a high security watermark on the reverse side of the blank or thermochromic ink;
2. An industry-recognized feature designed to prevent erasure or modification of information written on the prescription by the prescriber, such as tamper-resistant background ink that shows erasures or attempts to change written information; or
3. An industry-recognized feature designed to prevent the use of counterfeit prescription forms, such as sequentially numbered blanks or duplicate or triplicate blanks.

1-002.02N3 Effective October 1, 2008, a written Medicaid prescription must contain all three characteristics listed in 471 NAC 1-002.02N2.

1-002.02N4 Emergency Fills: NMAP will pay for emergency fills for prescriptions written on non-tamper resistant pads only when the prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. In an emergency situation, this allows a pharmacy to telephone a prescriber to obtain a verbal order for a prescription written on a non-compliant paper. The pharmacy must document the call on the face of the written prescription.