

The Honorable
United States House of Representatives
Washington, DC 20515

Dear Representative

The undersigned coalition of health care provider organizations urges you to support the delayed enforcement of the Medicaid requirement that mandates the use of tamper resistant written prescriptions and sign onto the Dear Colleague letter being circulated by Representatives Tom Allen, Marion Berry, Mike Ross and Charlie Wilson.

The Iraq War Supplemental Appropriations bill (Public Law 110-28) Section 7002 requires all Medicaid written prescriptions after October 1, 2007 be written on tamper resistant prescription pads or paper. Our organizations understand the need to prevent prescription fraud and our members will do their part to accomplish this task. However, there is significant concern that there is insufficient time to properly implement this requirement.

The Centers for Medicare and Medicaid Services only issued its guidance to the State Medicaid Directors on August 17, 2007 for the implementation expected on October 1. More time is needed than the scant 6 weeks between this guidance and the implementation date, especially since most providers are only now becoming aware of the requirement. Since only a few states currently have laws requiring the use of the tamper resistant prescription form, the vast majority of health care providers do not have existing supplies of the necessary forms. It will take time to educate our membership and the health care professions on the requirement and will take additional time to obtain the necessary prescription pads. CMS's guidance recognizes the relatively short implementation period and indicates that States may need to alter their regulations or even enact legislation to implement these changes. In light of these concerns it seems prudent to delay the October 1 implementation date.

The undersigned organizations support the dear colleague letter and urge you to add your name in support. In addition we recommend a delay in implementation of one year to allow sufficient time for the necessary changes to State Medicaid rules and legislation and to allow for proper notice to be sent to all Medicaid providers by CMS or the States.

Please contact Dr. Frank Kyle in the American Dental Association's Washington, DC Government Affairs office at 202-789-5175 or at kylef@ada.org if you need additional assistance or information.

Sincerely,

American Dental Association