



Universal Care Liquidation: Pharmacists Cautioned to Carefully Review Final Distribution Schedule of Payments

Offers Below Recommended Distribution Amounts Being Made in Advance of Final Hearing

Universal Care of Tennessee, a managed care organization (MCO) under contract with TennCare, was placed in liquidation in July 2003, leaving pharmacists and other health care providers with millions in unpaid claims. On March 28, 2008, the Chancery Court of Davidson County, Tennessee, will hear a motion for approval of the Final Distribution of Assets. If the Final Distribution Schedule is approved, claimants can expect to receive 63.4% of their approved claims. Pharmacies are urged to review the Final Distribution Schedule, which contains information about the distribution amount recommended for each specific claimant, by name, including each pharmacy.

This week, several pharmacists contacted the Tennessee Pharmacists Association upon receipt of a solicitation by Liquidity Solutions, Inc. In the instances TPA has been made aware of, Liquidity Solutions is offering amounts considerably less than the 63.4% included in the Final Distribution Schedule currently before the court.

The Tennessee Pharmacists Association recommends that pharmacies seek the advice of an attorney before assigning claims to a third party, such as Liquidity Solutions. The following materials will likely prove helpful to pharmacy owners and legal counsel:

Final Distribution Schedule including the Final Distribution Amount for specific pharmacies and other claimants:
<http://tinyurl.com/3b2lzo>

Instructions for Final Distribution Schedule:
<http://tinyurl.com/2uyhm7>

Additional court documents and motions:
www.uctliquidation.com/

Reminder: Federal Medicaid/TennCare "Tamper Proof" Prescription Requirement Is Effective April 1

Beginning April 1, 2008, all written prescriptions for Medicaid recipients must be on paper with at least one tamper-resistant feature as outlined by the Centers for Medicare and Medicaid Services (CMS) and defined by the State. TPA reminds pharmacies that, effective April 1, 2008, according to TennCare policy, "Prescriptions reimbursed by TennCare written on non tamper-resistant forms are subject to recoupment." TPA notes this also applies to emergency supplies. Electronic prescriptions, faxed prescriptions and prescriptions sent over the telephone are exempt from this requirement.

Effective April 1, 2008, ALL prescriptions for TennCare patients must be written using tamper-resistant pads/paper, with the limited exceptions outlined below:

- Refills of written prescriptions presented at a pharmacy before April 1, 2008
 - Prescriptions sent to the pharmacy electronically (either by e-prescribe or by fax)
 - Prescriptions communicated to the pharmacy by telephone
- Drugs administered in nursing facilities and ICFMR's

To be considered tamper resistant on April 1, 2008, a prescription pad must have at least one feature from any category listed below.

- Industry-recognized feature(s) designed to prevent unauthorized copying
- Industry-recognized feature(s) designed to prevent erasure or modification of information written by the prescriber
- Industry-recognized features list designed to prevent use of counterfeit prescription forms

Much more information can be found in the TennCare guidance made available to independent pharmacists in the March 6 *Independent Link*, and currently available to TPA members on the TennCare page of the TPA website: visit www.tnpharm.org and scroll to the item dated 3.6.08.

Included is background information and further clarification, as well as guidance about the pharmacist's responsibility upon receipt of non-compliant TennCare prescriptions under varying circumstances and the ramifications for filling non-compliant TennCare prescriptions. Also included is information about the additional requirements that will be effective October 1, 2008.

Members unable to access the TennCare guidance online are welcomed to contact TPA at 615-256-3023 to request a fax copy.

It's easy to join TPA or pay 2008 membership dues! Visit <https://secure.xo.com/tnpharm.org/index.shtml> or call TPA, 615.256.3023.

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PROVIDING INDEPENDENT PHARMACY WITH THE TOOLS TO STAY COMPETITIVE

