



Michigan Pharmacists

A S S O C I A T I O N

News Release

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February 9, 2005

FOR IMMEDIATE RELEASE

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PHARMACISTS WIN ROUND ONE IN MEDICAID MAIL ORDER BATTLE

Yesterday, the Michigan Pharmacists Association (MPA) received word that a temporary restraining order and an Order to Show Cause were signed by an Ingham County Circuit Court judge. These documents will prevent the Michigan Department of Community Health from enforcing the Medicaid mail order program until a hearing on the preliminary injunction takes place. The restraining order, which was requested on behalf of MPA members and the pharmacies in the state, would block the implementation of copay provisions in the Medicaid mail order program.

The basis of the complaint centers on Medicaid's unilateral decision to waive the copay only for Medicaid recipients who utilize the new mail order program. The complaint specifically includes claims that the Department of Community Health provides preferential treatment to out-of-state mail order facilities at the expense of local pharmacies. Additionally, the complaint alleges that the state Medicaid office is violating the equal protection provision of both the state and federal Constitutions. Not collecting the patient copay required under the law is a direct violation of Public Act 349 of 2004 (budget bill approved and signed by the governor), and is in violation of administrative regulations related to noncompliance with the provisions of the Medicaid Provider Manual.

The temporary restraining order is believed to be significant, because the first requirement for its issuance is the plaintiff's likelihood of success on the merits. The injunction hearing is scheduled to take place on Feb. 17.

"We believe this is a good first step to prevent the Department of Community Health from violating the laws that the legislature and the governor have established. Michigan pharmacists believe that they can provide better care to Michigan patients and keep business in the state, rather than sending it to another state as was planned by the Department of Community Health. Keeping patients safe and a strong economy within the state should be a high priority. We will continue to advocate for the welfare of patients and the profession of pharmacy," said Larry Wagenknecht, MPA CEO.

MPA, serving more than 3,500 pharmacy professionals, strives to be a leader in professional and scientific advancement by following its mission of encouraging and supporting its members as the professionals responsible for the delivery of patient-oriented pharmaceutical care.

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