



FLORIDA PHARMACY ASSOCIATION

Florida Pharmacists United to Improve Public Health and Patient Care

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Florida Pharmacy Association, Medicaid Patients, Independent Pharmacies & Pharmacists File Lawsuit to Restore Medicaid Patient Access to Pharmacy Care Providers Chosen By Medicaid Patients

~Seeks Florida Agency for Health Care Administration to Comply State Medicaid Law By Allowing Medicaid Patients Freedom of Choice of Their Health Care Provider~

TALLAHASSEE, FLA. – The Florida Pharmacy Association together with a group of Medicaid Patients, Independent Pharmacies and Pharmacists from all over Florida, filed a lawsuit today in Leon County Circuit Court against the Agency for Health Care Administration to seek to restore patient access to qualified Medicaid pharmacy providers chosen by the patients as required by applicable law and the Florida Medicaid State Plan. The lawsuit filed seeks to stop the Agency from continuing to enter and enforce contracts with for-profit Health Management Organizations (HMOs) and other for-profit managed care organizations that have illegally done what AHCA cannot do: force Medicaid patients to use only out-of-state pharmacy conglomerates and their affiliated mandatory mail order pharmacies, to the exclusion of qualified Florida-based Medicaid pharmacy providers that have often cared for such patients throughout all of their lives and during their course of their often-catastrophic illnesses.

Said Michael Jackson, R.Ph., CEO & Executive Vice President of the Florida Pharmacy Association: “Medicaid was designed to be the health insurer of last resort for the youngest, sickest, frailest and most vulnerable Floridians in need of the most comprehensive and personalized direct patient care possible. Such patients cannot be relegated to for-profit HMOs lightly and certainly not outside of the standards and safe-guards established by law.”

Lori Weems, General Counsel & governmental consultant for the Florida Pharmacy Association, commented: “In the last several sessions and special sessions, the Florida Legislature has worked tirelessly to enact multiple laws to assure Florida’s Medicaid program was not handed over to HMOs without strict oversight, regulation and accountability. We have recently learned that over at least the last two-and-a-half years the Agency has secretly been entering and awarding contracts that amount to just such a hand-off to HMOs in what we believe

to be a full and illegal privatization of Medicaid for the majority of Medicaid patients. We further believe that the Agency has violated its own Medicaid State Health Plan, the legal requirements of its own legal and regulatory structure and long-standing Chapter 120 administrative law authority by denying Medicaid patients the pharmacy access and freedom of provider choice that is rightfully theirs.”

Michael Jackson stated: “The apparent unregulated take over of Medicaid by HMOs and other managed care organizations in Florida caused by AHCA’s actions has led to inevitable and tragic consequences for Florida patients: denial of access to quality physicians, particularly specialty physicians who are shut out of such HMO and other managed care networks and denial of access to prescriptions and qualified Medicaid pharmacy care providers similarly shut out of unregulated HMO and managed care networks. The FPA believes that these unregulated closed HMO and managed care networks stand in stark contrast to the comprehensive and fully-accessible, high quality of care otherwise available to Fee-for-Service Medicaid patients and even Reform Pilot Project Demonstration Medicaid Waiver patients in Broward, Duval, Clay, Nassau and Baker Counties participating in the much more highly regulated and accountable managed care organizations within the confines of the special terms and conditions of the December 2012 Waiver extension authorizing such project.”

Orange County Medicaid patient Lisa Oberly, another of the individual plaintiffs in this lawsuit, has battled Cystic Fyrosis since her birth 49 years ago. Although she worked until she was 27 years old, Lisa is now disabled and on Medicaid and Medicare because her complex Cystic Fibrosis has made it impossible to secure private insurance. Because Lisa resides in Orange County, she faces the threat at any time of being forced into a private HMO by AHCA like many of her fellow Cystic Fibrosis Medicaid patients in Orange County. Lisa comments: “I am a plaintiff in this lawsuit because I am in constant fear that AHCA could at anytime force me into a corporate giant HMO that will deny me the care I need. I currently see seven different specialists and take 34 different prescriptions each day dispensed by the specialty pharmacy that has cared for me for the past twenty-seven years. I am aware of 26 Cystic Fibrosis Medicaid patients in Orlando who have already been involuntarily forced by AHCA in the past few months into HMOs and who can no longer access the specialty physicians or the prescription drugs they need from their chosen pharmacy care provider. HMOs see no profit opportunity in a patient like me and do not want patients like me in their plans for long periods of time because they see us as loss leaders, not patients. For me, it is quite simply a matter of life and death, and I am committed to fighting for my life and the lives of my fellow Cystic Fibrosis patients to have access to the care we need by the providers we choose.“

Florida Pharmacy Association is the professional society representing Florida pharmacists, united to improve public health and patient care, enhance professional development and advocate for the interest of the profession. The Association is organized to preserve and advance the practice of pharmacy and to serve the professional needs of all pharmacists, pharmacy students, and pharmacy technicians. The FPA’s mission is to act as the premier organization representing pharmacy stakeholders in their endeavors to provide quality healthcare. FPA membership includes pharmacists, pharmacy technicians, and others with an interest in the business and profession of pharmacy. Our industry representation includes community pharmacy (both chain and independent), hospital, long term care, consulting, pharmacy owners, employee pharmacists, compounding, managed care, specialty, academia, government service, nuclear and clinical pharmacy practice.

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