

INDEPENDENT PHARMACISTS COALITION

What Have We Done for You Lately?

When MPC asks pharmacists "What has your network done for you lately?" they ask us to list a few things that our Political Action Committee has done on behalf of independent pharmacy, we respond by announcing some of our successes, which include:

- ❖ **REEP Mandatory Mail Order:** The Riverside Employer/Employee Partnership, a consortium of most of the Riverside County school districts and 25,000 teachers and their families, were working with an insurance broker who routinely utilizes mandatory mail order for maintenance drugs. We wrote letters to the Riverside County Board of Supervisors and the districts' Supervisors. **OUTCOME: SUCCESS! The Insurance Advisory Committee voted unanimously to "suspend implementation" of the mandatory mail order program.**
- ❖ **MCSIG Mandatory Mail Order:** The Monterey County Schools Insurance Group mandated that all their teachers and families use mail order for their maintenance medications. We began with a letter writing campaign to the County Board of Supervisors and followed up with a face-to-face meeting with the representative of MCSIG. **OUTCOME: SUCCESS! The MCSIG Board approved a plan that will allow maintenance drugs to be purchased at retail pharmacies.**
- ❖ **CenCal Mandatory Mail Order:** The San Luis Obispo-San Barbara health consortium is called CenCal. They were going to implement mandatory mail order for maintenance drugs on March 1, 2009. We could see this moving into other counties so we organized more than 15 pharmacists to attend the meeting. At the meeting several elected officials came out against the mandatory mail order. The pharmacists in attendance were overjoyed that anyone would support their individual efforts. While MPC was fighting for the SLO pharmacists, the CPhA SLO chapter refused to reschedule their diabetes education dinner and took some independents away from the meeting. **OUTCOME: SUCCESS! The State of California told CENCAL to halt any thoughts of mandating mail order to its customers.**
- ❖ **10% Medi-Cal Fee Cuts:** Assisted the Medicaid Defense Fund in fighting California's plan to implement a proposed 10% reduction in Medi-Cal reimbursements. **OUTCOME: SUCCESS!**
- ❖ **No More Mail Order:** Washington state pharmacists awoke one morning to discover that mail order is no longer offered to Medicaid customers in their state. As pharmacist Alan proclaimed: "take a bow MPC, your efforts no doubt helped us."
- ❖ Contacted the Central Coast Alliance for Health board members and state elected officials regarding "new" agreement that ESI faxed to participating pharmacies. ESI stated that if the pharmacy did not sign and return by a definite deadline, members would be notified of any non-participating pharmacies. **OUTCOME: SUCCESS! ESI sent out fax broadcast stating "new" agreement was sent in error and the stores received an additional \$1.25 for generics and \$1.50 for name brand scripts.**
- ❖ HHS has selected RxPr1de to "audit" its Medicare Part D activities for the past year. Basically, we are being allowed to input all the problems we have had negotiating rates and language.
- ❖ Launch of Successful Mail Order Lobbying Campaign **OUTCOME: Pending.** We're pleased to report that Senator Ben Cardin has agreed to adjust the Resolution language and format for presentation while Congressman Albert Wynn will work with us concerning the release

date and justification for the Resolution. In addition, four states covering the four compass points of the U.S. have been to co-sponsor the Resolution. Once the Resolution is rewritten and agreed to then evidence of political support is cemented.

- ❖ Contacted CMS regarding chain store logos appearing on Humana's Medicare Part D member cards. We filed a complaint stating that Humana was "misleading and misrepresenting their members and Medicare beneficiaries. We strongly believe this goes against CMS's guidelines." **OUTCOME: SUCCESS! CMS has mandated ID cards cannot feature logos of big pharmacies.**
- ❖ Contacted Washington State Government Officials in response to their passing of SHB 1168 - with permission from the FDA to license Canadian Pharmacists to provide State residents with prescription drugs. **OUTCOME:** Both the governor's office and a ranking state senator contacted MPC/The Coalition to chat about our broadside attack against licensing Canadian pharmacists to fill Washington resident's prescriptions. Our standard response was: "we don't know how many dollars it costs to vote in a bill but those hundreds of thousands of dollars and thousands of hours required to pass a bill could have been much better utilized." No one we chatted with understood IMAs, contracts enacted by Big Drugs to eliminate diverting (like selling pills to Canadian Internet companies), improve inventory controls, limit wholesaler profits and create near total product movement system. These elements, regardless of what state has passed Canadian pill purchases, eliminate the name brand business. Canadian Internet concerns are now purchasing from Europe (home of counterfeiting) so if Washington is sued for having a "licensed" Canadian pharmacist fill a script you can only image the million dollar awards going to the plaintiff. Our bet is the effort dies quickly and quietly this fall.
- ❖ As we understand the new Medicare Part D Prescription Drug Plan, Preferred Pharmacy Networks can be created by the 43 existing Medicare discount card sponsors with no observance of the "any willing provider" status. This means that if you are not enrolled with a PBM or other type of provider, you can be eliminated from participation. MPC has launched a pinpoint lobbying strike on the highest-ranking Congressman in Washington D.C., to have the clause "any willing provider" included in the in 2006 Medicare Law. **OUTCOME:**
- ❖ MPC received a clandestine fax from a San Bernardino County health clinic. On the prescription were printed notations of: "do not give this (prescription) to the patient" and "This Prescription Can Only Be Filled at ARMC Pharmacy" meaning the patient MUST get the prescription filled by the County-owned hospital (Arrowhead Regional Medical Center) and pick up the script at the hospital pharmacy or request mail order. Because it's County owned, name brand rebates are returned to the County. The problem? 1) Violation of patient civil rights; 2) Restraint of trade suffered by the independent pharmacies in San Bernardino County. The State of California has launched an investigation. **OUTCOME:**
- ❖ On behalf of all pharmacists in San Bernardino and Riverside Counties, MPC responded to the receipt of a fax from IEHP directing the pharmacist to send his client to a chain store for their meds. MPC contacted County Supervisors and newspapers in both counties, as well as the United States Attorneys Office to discuss options to end this discriminatory practice. **OUTCOME: SUCCESS! IEHP wrote a letter to MPC stating they do not favor Chains over Independents, and will not use language to suggest this in the future.**
- ❖ On behalf of MPC members in Orange County, MPC continues to work with CalOptima to bring the contract to an "Any willing provider" status. **OUTCOME: still under negotiation.**

- ❖ In conjunction with Pharmacy Defense Fund, MPC was successful in halting a potential 5% rate cut in Medi-Cal reimbursements to pharmacies. This rate cut was scheduled to take effect 1/1/04, but the ruling by US District Judge David F. Levi denied the cuts, following our protests. The Judges' ruling indicated that cuts are/were legal, but these "cuts" would potentially jeopardize the health care to the poor. (Would like to take this issue to Oregon, Washington and Montana with enough stores.) **OUTCOME: SUCCESS!**
- ❖ RxPR1DE was able to influence Regence (Blue Shield) to use one source to obtain AWP, rather than selecting the lowest cost from many sources, which increased the reimbursement rates to members. **OUTCOME: SUCCESS!**
- ❖ Negotiations began on behalf of MPC members in L.A. County to bring Community Health Plan to an open contract. **OUTCOME: negotiations are continuing.**
- ❖ MPC wrote letters to Legislators in California to assist in arranging for the "any willing provider" clause to be reinstated in the language of the Medicare drug reform bill, passed by the Senate. This bill will have no restrictions on prescription delivery methods, i.e. NO MANDATORY MAIL-ORDER! Drug coverage won't begin until 2006, although seniors next year will be able to purchase a drug discount card that officials said could reduce their pharmacy bills by 15 to 25%. **OUTCOME: SUCCESS!**
- ❖ Initiated letter campaign in support of Senator Maria Cantwell's amendment to the U.S. Senate S.1., Section 133 of the Medicare Prescription Drug Bill, which would require PBMs to disclose rebates received and paid to/from pharmaceutical companies, price differences charged to Medicare, and to impose fines for failure to report this to DOJ. **OUTCOME: We received a letter from Senator Cantwell that our letter writing campaign was effective and the amendment was passed. SUCCESS!**
- ❖ Initiated a "letters to the editor" campaign in Washington and Montana *before elections*. The issue was regarding effects of government cut backs. **OUTCOME: No response.**
- ❖ Attended CPHA Summit Meeting to discuss opposition of proposed budget cut. **OUTCOME: MPC spoke on behalf of all independents in the state (California).**
- ❖ Appeared before legislators and initiated letter writing campaign to California assembly members against AB 103, which would mandate that all prescription drug makers who give doctors millions of dollars' worth of gifts each year, to publicly list those gifts. **OUTCOME: SUCCESS!**
- ❖ MPC learned that the State of Washington had not issued an RFP for awarding the mandatory Medicaid mail order services contract. In threatening correspondence, the State was informed of issuing an illegal contract. In December, an RFP was finally issued giving respondees just 5 working days to answer the questionnaire. Not surprisingly, the same mail order company as originally hired "won" the RFP.
- ❖ Initiated a massive "grass roots" letter writing campaign to all legislators in the state of Montana in response to Governor Martz's proposed budget cuts of almost 8% for the independent pharmacy community, and selected mail-order (Eckerd) for state legislators. This action would put most of the independents out of business, and make tax-paying citizens drive farther to a chain drug store. We received a lot of feedback from the legislators, both for and against the Governors actions. Letters on file.
- ❖ Met with key legislators in Maryland to educate them that the providers of "cash discount card programs" were automatically adding all pharmacies to their provider base, without

obtaining approval from the Owner first. This led to the State Attorney investigating these claims, which reduced the reach and effect of these programs.

- ❖ On behalf of John Gelinias of Chimes Phcy, initiated a letter writing campaign to Legislators and to Thomas Scully of DHS requesting the proposed SB 393, authored by Senator Jackie Speier, be re-written. SB 393 mandated that all pharmacists sell pills at the lowest possible price, under the new Medicare cash discount program for eligible seniors. **OUTCOME: (Believe this bill never passed.) SUCCESS!**
- ❖ Met with Congressmen/women in Washington D.C., regarding shipping regulations for prescription drugs from Canada. The FDA mandated all prescriptions from Canada stop in Cincinnati for inspection before distribution to the U.S. Citizen. **OUTCOME: FDA became lax on this issue and we were able to use Canada post for shipping with no stops for inspection.** Gary also met with Pete Stark to discuss our opposition to President Bush's endorsed Medicare discount program for seniors.
- ❖ The coalition sent a representative to Washington, D.C., to meet with congressmen/women who make monetary and implementation decisions for CalOptima and CHP, on behalf of Orange and Los Angeles County pharmacists. The goal was to have an "any willing provider" clause in their contract, since pharmacists are still being locked out of federally funded programs (i.e. closed network). **OUTCOME: FAILURE – Only PCN can contract providers.**
- ❖ By lobbying on behalf of MPC members in L.A. County, with the support of Supervisor Don Knabe, to open up Molina, a previously closed contract. **OUTCOME: SUCCESS.**
- ❖ By lobbying on behalf of MPC members in L.A. County, with the support of Supervisor Yvonne Brathwaite-Burke, to open up two closed contracts under L.A. Care Health Plan. **OUTCOME: SUCCESS, BOTH CONTRACTS OPENED TO MPC.**
- ❖ By lobbying on behalf of MPC members in LA County, and with the support of Don Knabe, MPC was able to secure the contract to offer CHP (Community Health Plan) to MPC members. **OUTCOME: SUCCESS!**
- ❖ By lobbying on behalf of MPC members in Riverside & San Bernardino counties, tackled the IEHP/Molina Medi-Cal conversion issue. **OUTCOME: SUCCESS, THE CONTRACT REMAINED "ANY WILLING PROVIDER".**

Managed Pharmacy Care and the Independent Pharmacists Coalition continue to provide political and legal intervention on behalf of independent pharmacy. Consider contributing to the coalition with your financial support or by joining Managed Pharmacy Care as your independent pharmacy network representative. Together we can make a difference! For more information contact Managed Pharmacy Care at **800-582-5889**.