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## **CLASS-ACTION LAWSUIT FILED AGAINST STATE OF MISSISSIPPI CHALLENGING SEVERE AND ILLEGAL RESTRICTIONS ON MEDICAID DRUG COVERAGE**

### **Case will contest recent change in Medicaid policy that limits beneficiaries to five medications, with only two brand-name**

Jackson, MS—Lawyers and plaintiffs in a major class-action lawsuit against the state of Mississippi will hold a press conference in the first-floor rotunda of the state Capitol Building (400 High St.) on Thursday, December 15, at 1pm to announce the suit.

The suit challenges a harsh and illegal Medicaid policy imposed by the Mississippi legislature that went into effect on July 1, 2005. The policy limits Medicaid recipients—who make up one in four Mississippians—to five prescription drugs per month, with only two of the drugs being brand-name.

The policy imperils the health of tens of thousands of low-income Mississippi residents, many of them elderly and/or disabled, who rely on Medicaid. In many cases, the severe new policy threatens the survival of recipients with one or more serious chronic illnesses, including cancer, heart disease, hypertension, diabetes, multiple sclerosis, mental illness and/or HIV/AIDS.

The Mississippi restrictions are called “hard caps” because patients are not allowed to obtain a greater number of medications even if doctors confirm that they need them. The plaintiffs in the case allege that the policy violates federal Medicaid law, which does not permit such “hard caps.”

“Congress never intended for states to impose low, inflexible caps on prescription drugs,” said attorney Martha Bergmark, president of the Mississippi Center for Justice, one of the organizations bringing the suit. “This policy means that thousands, perhaps tens of thousands, of our neighbors, grandparents and friends throughout Mississippi lack the medications they desperately need.”

Mary Troupe, executive director of Mississippi’s Coalition for Citizens with Disabilities, said, “This policy is going to force many Medicaid recipients into hospitals and nursing homes, the only places they can get all the drugs they need. That will cost the state far more than if these patients had had adequate treatment in the first place.”

Medicaid recipient Glenda Fay Dennis, 52, of Eupora, Mississippi, is a plaintiff in the suit. She requires 13 medications to treat her illnesses. Since the five-drug limit began, “I’ve been playing a dangerous game of filling five prescriptions each month,” she said, “and praying that my one-month prescriptions somehow will last two months or more.”

The defendants in the case will be Haley Barbour, governor of Mississippi, and the head of Mississippi Medicaid, both sued in their official capacities. In addition to the Mississippi Center for Justice, lawyers bringing the suit include those from AARP Foundation Litigation, the National Health Law Program, the National Senior Citizens Law Center and Housing Works, an HIV/AIDS agency with offices in New York City, Washington, D.C., and Jackson, Mississippi.