

**MONTANA PHARMACY ASSOCIATION  
2008 RESOLUTIONS  
As adopted on May 31, 2008**

**Resolution 2008 -1**

**Average Manufacture's Price**

WHEREAS, the standard benchmark for pharmacy reimbursements has been Average Wholesale Price (AWP); and,  
WHEREAS, the Deficit Reduction Act of 2005 requires that reimbursement benchmarked to Average Manufacture's Price (AMP) in 2006-2007; and,  
WHEREAS, there are concerns among pharmacists over this transition to a new method of reimbursement including: inadequate reimbursement below acquisition costs, disincentives to dispense generic drugs, and the method by which AMP will be calculated, in which to keep their stores open and services available to Medicaid patients;  
BE IT RESOLVED, that MPA urges the Center for Medicare and Medicaid Services (CMS) to delay the transition from AWP to AMP until the concerns expressed by Montana and other pharmacists have been resolved; and,  
BE IT FURTHER RESOLVED that CMS continue the reporting requirements being used to determine AWP in order to provide this information to state Medicaid programs.

**Resolution 2008 -2**

**Provider Status for Pharmacists**

WHEREAS, pharmacists are increasingly educated in patient care and increasingly competent in providing quality patient care; and,  
WHEREAS, numerous studies have demonstrated better health outcomes through clinical care provided by pharmacists; and,  
WHEREAS, these same studies have shown reduced costs of care through the clinical care provided by pharmacists; and,  
WHEREAS, these outcomes and these savings can be realized in the Medicare and Medicaid programs by allowing pharmacists to use standard CPT codes for billing purposes;  
BE IT RESOLVED, that MPA urge CMS to approve used of these CPT codes for billing purposed in 2008.

**Resolution 2008 -3**

**Prompt Payment for Medicare Part D**

WHEREAS, delayed payment for claims under Medicare Part D presents and undue hardship upon community pharmacists; and,  
WHEREAS, pending federal legislation would require prompt payment for Medicare Part D claims;  
BE IT RESOLVED, that MPA supports federal legislation to enact prompt payment for Medicare Part D claims.

**Resolution 2008 – 4**

**Compounded Medications and Federal Regulation**

WHEREAS, legislation proposing federal regulation of compounding has been drafted; and,

WHEREAS, said legislation would result in decreased patient access to medication; and, WHEREAS, regulation of pharmacy and medical practice has been historically and appropriately been the jurisdiction of the states, through state pharmacy licensure boards; BE IT RESOLVED, that MPA oppose developments in federal legislation proposing to regulate compounded medications that is currently under the state board of pharmacy jurisdiction;

BE IT FURTHER RESOLVED that MPA urge the Montana Board of Pharmacy to review its administration rules in the area of compounding and update them as necessary.

**Resolution 2008 – 5**

**Expand the Board of Pharmacy by one member and require the new member be a pharmacist**

WHEREAS, the Board of Pharmacy presently consists of six members appointed by the governor; and,

WHEREAS, three of the members must be licensed pharmacists, one member must be a registered pharmacy technician, and two members must be from the general public; and, WHEREAS, the board deals with ever increasing complex issues involved in the regulation of the pharmacy profession; and,

WHEREAS, one additional pharmacist on the board would provide professional insight on complex matters before the board to assist them in regulating the pharmacy profession and protecting the public;

BE IT RESOLVED, that MPA supports legislation to modify the structured of the Board of Pharmacy to add one additional licensed pharmacist.

**Resolution 2008 – 6**

**Prescription Drug Monitoring Program (PMP)**

WHEREAS, diversion of controlled substances and other pharmaceuticals is generally recognized as a problem in Montana and the United States; and,

WHEREAS, the majority of other states have prescription drug monitoring programs; and WHEREAS, these programs have proven to be effective tools in identifying and preventing drug diversion at the prescriber, pharmacy and patient levels; and,

WHEREAS, these programs have proven they can function effectively while still protecting and respecting patient privacy;

BE IT RESOLVED, that MPA supports legislation to establish a Prescription Drug Monitoring Program in Montana.

**Resolution 2008 – 7**

**Professional Right of a Pharmacist to Not Dispense When Reasonable Access Exist**

WHEREAS, a Montana pharmacist has given notice and announced they will no longer dispense oral contraceptives; and,

WHEREAS, this issue was brought to the Board of Pharmacy for discussion by members of the public who have asked the board to intervene on this issue; and,

WHEREAS, there is reasonable access to oral contraceptives and other drugs in Montana; and,

WHEREAS, a pharmacist is similar to other professionals who can choose to provide or not provide specific services;

BE IT RESOLVED, that MPA believes there must be reasonable access for drugs in Montana; and,

BE IT FURTHER RESOLVED, MPA supports the position that a pharmacist has the right to use his or her professional or personal judgment when deciding whether or not to stock or dispense any drug as long as there is reasonable access of this drug to the patient.