

## How to file complaints if patient is being denied having a valid/on time control substance prescriptions.

If patient is disabled - as determined by SS/Medicare or private insurance disability insurance the patient is covered under ADA (American Disabilities Act). Having Chronic pain itself, may qualify a person as covered by ADA

The ADA parallels the Civil Rights Act of 1964. People who are disabled cannot be discriminated against because of their disabilities.

If a Pharmacist refuses to fill a valid/on time control substance prescription for reasons other than doing so would harm the patient.. because the patient is allergic to the medication, medication would adversely interact with other medications the patient is taking, or the prescribed dose is above recommended dosing. Although some specialists can and do prescribed above normal doses for a patient and it is perfectly legal.

There are three major drug wholesalers, have elected to arbitrarily establish monthly rations which each pharmacy can buy of controlled medications. This may result in a number of patients unable to get their necessary medications.

The failure of the pharmacy/Pharmacist to fill your valid/on time control medications prescriptions is a violation of the patient's civil rights under the ADA. This may happen because of the pharmacy's policies, the Pharmacist's "professional discretion" or the wholesalers rationing the amount of control medications can purchase.

The pharmacy/Pharmacist may also be in violation of their contract with your insurance company (Medicare Part D, Medicaid, Commercial Health Insurance). They are obligate by their contract to fill and charge your insurance company for any valid, covered medication. Filing a complaint, with CMS, your insurance company, Medicaid.. an investigation may find that the Pharmacist did not exercise proper due diligence and wrongly declined to fill your prescription. This could help in your getting ADA complaint considered and ruled in your favor.

Only the patient can help rectify these issues by filing complaints with a couple of governmental agency. The patient does not need an attorney, but go the listed web sites and complete a complaint form.

Besides a ADA violation.. The permit holder/store owner, Pharmacist in charge, Pharmacist refusing to fill prescriptions and wholesaler are all licensed by the various state Board of Pharmacy, and it is recommended that a complaint for unprofessional conduct be filed against each with the appropriate Board of Pharmacy. Some believe that they are in essence "practicing medicine" a complaint to the state Medical Licensing Board may be appropriate.

If the Rx dept staff has disclosed some of your Private Health Information (PHI) in a matter someone else could overhear.. You may be able to file a HIPAA complaint.

Boards of pharmacy link	<a href="http://www.nabp.net/boards-of-pharmacy">http://www.nabp.net/boards-of-pharmacy</a>
ADA complaint form	<a href="http://www.ada.gov/fact_on_complaint.htm">http://www.ada.gov/fact_on_complaint.htm</a>
Medical Licensing boards	<a href="http://www.ama-assn.org/ama/pub/education-careers/becoming-physician/medical-licensure/state-medical-boards.page?">http://www.ama-assn.org/ama/pub/education-careers/becoming-physician/medical-licensure/state-medical-boards.page?</a>
HIPAA complaint form	<a href="http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html">http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html</a>

Major Drug Wholesalers:  
Mc Kesson  
Corporate Headquarters  
One Post Street  
San Francisco, CA 94104  
415.983.8300

Cardinal Health  
7000 Cardinal Place  
Dublin, OH 43017  
614.757.5000

AmerisourceBergen Corporation  
P.O. Box 959  
Valley Forge, PA 19482  
610-727-7000