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HEALTH CARE

Costs vs. benefits

Miami attorneys win battle that forces state Medicaid to broaden coverage for drugs with alternative uses



by **Alana Roberts**
Special to the Review

Lawyers who won a ruling blocking the Florida Medicaid program from restricting coverage of a popular prescription drug say the state's recent decision to drop its appeal sets an important precedent for what Florida and other states can and cannot do on drug coverage rules.

A key dispute in the case was over whether Congress intended Medicaid programs to cover all prescription drug uses listed in three congressionally approved drug compendia whether they're FDA-approved or not. Or, did the lawmakers designate only those drugs listed in the compendia as being supported by research as effective? The issue remains disputed by both sides.

In February 2006, the late U.S. Magistrate Judge Theodore Klein ruled the Florida Agency for Health Care Administration violated federal Medicaid law by barring coverage of most non-FDA-approved uses for the drug Neurontin and its generic gabapentin that are listed in the compendia.

The class action case was brought on behalf of 6,000 Medicaid beneficiaries

To read related documents, go to DailyBusinessReview.com

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COURTS

Retiring judge gave, received much respect

by **Jordana Mishory**
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When 4th District Court of Judge Bobby W. Gunther, court's longest-serving man and only its second woman, retired in December, it will mark the end of 25 years of service as a judge.

Fellow 4th DCA Judge Gary M. called Gunther "an institution." He "She became a judge when the lid of a woman becoming a judge was indeed."

Her retirement will create the 4th DCA's first vacancy in more than 10 years, giving Gov. Charlie Crist his shot at making a mark on the court.

The 4th DCA has been one of the most stable district courts, with nearly 12 current judges serving for more than a decade. Gov. Jeb Bush had a chance to appoint only one member, Judge Melanie G. May, in 2001.

Crist may get the opportunity to make several more appointments to the DCA as some judges near the mandatory retirement age of 70. One is Judge Farmer, who said he will step down in 2010.

Gunther, 65, announced this month that she will retire voluntarily after 25 years on the 4th DCA. She was

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To see bio and related documents, go to DailyBusinessReview.com

ON APPEAL

Pickups gain new life in Coral Gables

by **Polyana da Costa**
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To see the 3rd DCA opinion, go to DailyBusinessReview.com

Destin Diplomat in the works

