

Lyons: Doctors on CVS blacklist feeling branded

Florida law allows pharmacists to refuse to fill prescriptions for pain medications such as hydrocodone if they think they see any red flags.

By [Tom Lyons](#)

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Paul Sloan has been an outspoken advocate for cracking down on irresponsible pill mill doctors.

You might know him as the local man who lobbied to start the registry that lets doctors know when a pain patient is already getting pain drugs from another doctor.

But Sloan's interest isn't just as a do-gooder. He operates a pain clinic and goes to great lengths to maintain proper and lawful status. The last thing he wants is to have his medical staff lumped in with illicit doctors.

Some people do that when they hear "pain clinic." And Sloan says that no matter how scrupulous his doctors are about following the law and making sound medical decisions — and about rejecting patients who have criminal records or seem likely to abuse pain meds — some pharmacists have sometimes refused to fill a prescription.

Florida law allows pharmacists to do that if they think they see any red flags. That might mean a patient who looks too healthy, or too sleazy, while getting an unusually large prescription.

Sloan says he has largely solved that problem by getting patients to agree to have prescriptions stamped with diagnostic codes that give pharmacists the medical explanation. He says he has no problems with pharmacists being careful.

But he does have a problem with CVS. He says the mega-pharmacy chain with a store on every other corner has a new but mostly secret policy in Florida: It refuses to fill even routine pain medication prescriptions from certain licensed and apparently lawfully practicing doctors, and has sent those doctors letters saying so.

But the letters don't say why.

None of them are Sloan's employees, he says, emphatically. He knows about them because some blackballed doctors contacted him as a regulation advocate. They don't want their names revealed because the ban makes them look like illicit operators if they speak up, Sloan says.

"It's a scarlet letter," Sloan told me.

Judged secretly by who knows who and with unstated criteria, the doctors have no recourse. If pharmacists suspect them of overprescribing or improper practices involving addictive pain medications, they should report that to the state, Sloan says.

The doctors would then be informed of any charges, criminal or otherwise. But when just banned by one of the dominant pharmacy corporations, "There is no due process."

What would stop that from being done to his doctors, he asks, if some CVS pharmacist jumped to a conclusion? Some patients, after years of treatment for excruciating injuries, do require large quantities of a drug. The medical risks are best weighed by doctor and patient, he argues. But while doctors can answer questions to overcome qualms that one pharmacist may have, there is no such answer to a corporate order to reject all pain med prescriptions from that doctor.

And there is no reason to think other corporate retail giants won't follow suit, or even share the list, since all share the same legal concerns.

CVS may have more than some. Just a year ago, the company was fined \$75 million for frequent and flagrant over-sales of certain non-prescription medicines. The customers were drug dealers who made obviously extreme purchases to get ingredients for their illegal meth labs.

All pharmacies need to be careful. I get that. And an anonymous pharmacist not with CVS just told me that some doctors do refuse to provide her with medical justifications for unusual prescriptions.

"I'm so frustrated with these doctors," she told me. She then has no choice but to refuse to fill some prescriptions, she said.

But even she had qualms when I asked her about a corporate-controlled blacklist that takes the judgment away from the pharmacists the company employs.

Sloan is far more adamant.

"This is vigilantism," he said, and by a corporate giant that needs to be told "you don't get to take this matter into your own hands."

The company may have reasons, but I can't assume it is always right and needs no oversight of the secret rejection process.

Since corporations are supposed to be people, the person named CVS ought explain how it is overriding the judgment of licensed doctors to the point of blackballing them without any review process, defense, or even any stated accusations. Who knows: Most doctors might even agree with them.

But all CVS has said so far is in a brief e-mailed statement:

"While we regret any inconvenience this may cause for our customers, we treat the dispensing of controlled substances with the utmost care and seriousness."

As you see, CVS isn't much of a talker. Maybe I should buy him a beer and try again.

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