

PRESS RELEASE



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April 10 , 2006

**MADIGAN ALLEGES ST. CLAIR COUNTY PHARMACY USED
DECEPTIVE TELEMARKETING PRACTICES TO GAIN CLIENTS**

Chicago – Attorney General Lisa Madigan today filed a lawsuit alleging a St. Clair County pharmacy and its company president carried out a telemarketing scheme that resulted in consumer prescriptions being transferred from their own pharmacies to the defendants’ pharmacy without the consumers’ knowledge.

According to Madigan’s lawsuit, more than 50 consumers have complained directly to the pharmacy, Medicate Pharmacy, Inc., located at 1833 Kingshighway, Washington Park, that they did not know they were signing up for a mail-order pharmacy or switching their current pharmacy during a telemarketing phone conversation. Madigan’s Consumer Protection Division has received three similar complaints against the company from consumers in Fulton, Macon and Sangamon Counties. All of the complaints received by Madigan’s office were filed by senior citizens.

According to Madigan’s lawsuit, telemarketers hired by Medicate Pharmacy and the company’s president, Michael L. Schaltenbrand, identified themselves as employees of Access Med. The telemarketers told consumers that their company offered free home delivery of prescription medications for Medicare and Medicaid recipients. Reading from a script, the telemarketers then asked consumers a number of questions and, if the consumers were deemed eligible, asked, “Can I get you started now on free home delivery for your prescription medications?” If consumers responded “yes,” they were immediately transferred to a medical technician to obtain the information necessary to fill the consumers’ prescriptions.

Unless a consumer specifically asked which pharmacy prescriptions were being delivered from, consumers were never told by the telemarketers that their medications would be coming from Medicate Pharmacy, according to Madigan’s complaint. The lawsuit alleges that in some cases, consumers did not understand what they had agreed to and only learned of the switch when they attempted to pick up their prescriptions at their regular pharmacy and were told their prescriptions could not be filled.

“It is crucial that patients know exactly where and when their medications will be dispensed because, in many cases, severe consequences can result from just one missed dose,” Madigan said. “By switching consumers’ pharmacies

without their knowledge, Medicate Pharmacy put individuals' health at risk by potentially interrupting the timely dispensation of their medications.”

Today's lawsuit, filed in Sangamon County Circuit Court, charges Medicate Pharmacy and Schaltenbrand, of O'Fallon, with violations of the Consumer Fraud and Deceptive Business Practices Act. The lawsuit alleges the defendants failed to disclose the terms and conditions of their offer by failing to disclose that the telemarketing call was on behalf of Medicate Pharmacy, that the consumer's pharmacy would be switched if the consumer agreed to “free home delivery,” and that “free home delivery” actually meant receiving their medications from a mail-order pharmacy.

Madigan's lawsuit asks the court to prohibit the defendants from soliciting mail-order prescription drug customers by telemarketing. The lawsuit seeks a civil penalty of \$50,000 and additional penalties of \$50,000 for each violation found to have been committed with the intent to defraud. Madigan's lawsuit also seeks a civil penalty of \$10,000 per violation committed against a person 65 years of age or older. Finally, Madigan's lawsuit asks the court to order the defendants to rescind all contracts entered through the use of unlawful practices and to pay full restitution to those consumers.

Assistant Attorney General Rebecca Pruitt is handling the case for Madigan's Consumer Protection Division.