

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DISTRICT COURT
DISTRICT OF MASS.

_____)
UNITED STATES OF AMERICA)
ex rel. DAVID FRANKLIN,)
)
Plaintiff)
)
v.)
)
PFIZER, INC., AND PARKE-DAVIS,)
DIVISION OF WARNER-LAMBERT)
COMPANY,)
)
Defendants)
_____)

Civil Action No. 96-11651-PBS

AFFIDAVIT OF JERRY F. WELLS, R.PH.

1. I, Jerry F. Wells, am the Pharmacy Program Manager for the Florida Medicaid Program.

2. I have been Pharmacy Program Manager for the Florida Medicaid Program for eleven years. In that time, my duties have included development of coverage and reimbursement policy, handbook and administrative rule preparation and operation management for the prescribed drug program.

3. I have reviewed and am familiar with the various federal and state rules regarding the eligibility of prescription products for reimbursement within the Florida Medicaid Program.

4. In order for a particular claim to be allowable for reimbursement, there are several payment prerequisites that must be met. The following is a list of several requirements that must be satisfied:

- (a) The patient receiving the medication must be a Medicaid patient;

(b) The physician or other practitioner who wrote the prescription must have a valid state license;

(c) The pharmacy seeking reimbursement must be a Medicaid provider and have a signed provider agreement, which includes various express certifications;

(d) The pharmacy must have actually dispensed the medication, and cannot have received payment, whether in whole or in part from any other source;

(e) The claim must be submitted in conformity with the applicable claim submission procedures, including the making of various express certifications; and

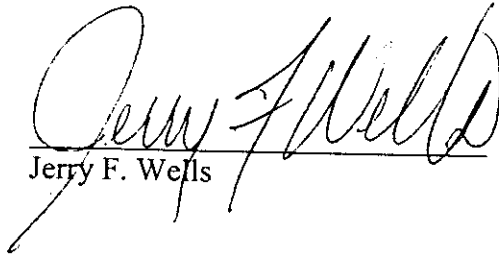
(f) The claim must be for a drug that is eligible for reimbursement and prescribed for a purpose that is covered by Medicaid.

5. Determining whether a drug is eligible for reimbursement and prescribed for a purpose that is covered by Medicaid is governed by 42 U.S.C. § 1396r-8, Chapter 465 F.S., and the Florida Medicaid Prescribed Drug Services Provider Handbook.

6. Under various NDC codes, the drug Neurontin has been on the Florida Medicaid drug file since 1994. Since that date, Neurontin has remained on the drug file and has been eligible for reimbursement by Medicaid for dispensation to qualified Medicaid recipients.

7. Florida Medicaid policy does not permit reimbursement for any prescription, including Neurontin, that does not meet the definition of a covered outpatient drug or that is for an indication that would exclude Federal Financial Participation (FFP) for the prescription's reimbursement.

Signed under the pains and penalties of perjury this 13th day of May, 2003


Jerry F. Wells

Sworn to and subscribed
before me this 13th day
of May, 2003.

Notary Public 
My Commission Expires



Jean Yeago
MY COMMISSION # DD079489 EXPIRES
January 13, 2006
BONDED THRU TROY FAIR INSURANCE, INC.

Jerry F. Wells is personally known to me.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail-hand on 5/21/03
ZJC