

FORMULARY UPDATE

The health plans of many of your patients have adopted the **Rx Selections™** or **Preferred Prescriptions®** Formulary, both of which are maintained by Medco.

The brand-name medication *Levaquin®* is the only plan-preferred respiratory fluoroquinolone on the above-mentioned Medco standard formularies.

When appropriate, please consider prescribing plan-preferred drugs, which may help lower medication costs for patients.

Nonpreferred brand respiratory fluoroquinolone	Plan-preferred brand respiratory fluoroquinolone
<i>Avelox®</i>	<i>Levaquin</i> (Pricara, a division of Ortho-McNeil-Janssen Pharmaceuticals, Inc.)

For a comprehensive list of all plan-preferred medications, call 1 800 211-1456 and request a copy of Medco's standard formularies. You can also view the formularies online by visiting www.medcohealth.com. Click the "Physicians" link and then the "Formulary" link.

As always, you make the final decision about which medications are right for your patients. Thank you for your attention to this important matter.



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**Medco manages the prescription drug benefit
for the employers and health plans of many of your patients.**

Q.: UNITED STATES COURT OF APPEALS (6th Circuit) „Sandusky Wellness Center vs. Medco Health Solutions“ (14-4201)

Nach Auffassung des Gerichtes handele es sich nicht um strafbare Werbung („unsolicited advertisements“), sondern um ein reines „Formulary Update“, was die Fa. Medco im September 2010 an das Wellness Center faxte (vgl. Titel des Faxes), das sich dadurch wohl samt Kundschaft belästigt fühlte.

Put more affirmatively, the Sixth Circuit found that to be an advertisement, a “fax must promote goods or services that are for sale, and the sender must have profit as an aim.” Medco and its faxes had neither. An advertisement needn’t overtly promote the sale of a product or service, but need at least be an indirect commercial solicitation or pretext for a commercial solicitation. The faxes at issue were neither.