

SUMMARY STATEMENT

Grace v. Jeppesen, Docket No. 49067

The Idaho Supreme Court affirmed a district court decision that upheld a declaratory ruling issued by Respondent Dave Jeppesen (the Director) in his capacity as Director of the Idaho Department of Health and Welfare. Appellant Grace at Twin Falls, LLC (Grace), a residential assisted living and memory care facility, partnered with a preferred pharmacy to offset costs associated with a software system that coordinated the tracking and delivery of residents' prescription medications. Because residents who failed to choose the preferred pharmacy did not receive the offset, Grace sought to charge those residents an additional \$10.00 each month to cover the difference. The Director issued a declaratory ruling that held Grace's proposed surcharge violated Idaho Code section 39-3316(12)(b) and IDAPA 16.03.22.550.12.b (the Pharmacy Choice Rule). Grace sought judicial review before the district court, which affirmed the Director's declaratory ruling. The Idaho Supreme Court affirmed, holding the Pharmacy Choice Rule unambiguously protects the right to both control one's health care services, and to select the pharmacist or pharmacy of one's choice, so long as the pharmacy meets statutory norms. The Court concluded Grace's attempt to impose a \$10.00 surcharge on residents who do not use its preferred pharmacy violated both of these rights.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******