



In re Summit Medical Group (N.J. S. Ct.)

Topics Covered: Regulatory Burdens

Outcome: Somewhat Unfavorable

Issue

The issue in this case was whether a New Jersey oncology group was entitled to a specialty pharmacy license that would allow it to dispense cancer treatment drugs to its patients.

AMA Interest

The AMA opposes unreasonable government interference in the practiced of medicine.

Case Summary

New Jersey's Codey Law, a predecessor to the federal Stark Law, prohibits physicians from making referrals to health care services in which they hold ownership interests.

Summit Medical Group (SMG), a group oncology practice, applied to the New Jersey Board of Pharmacy for a specialty pharmacy license. The Pharmacy Board denied the application, finding that the pharmacy would violate the Codey Law.

SMG appealed to the New Jersey Superior Court, Appellate Division, which affirmed the Pharmacy Board. SMG petitioned the New Jersey Supreme Court for discretionary review, but the high court denied review.

Litigation Center Involvement

The Litigation Center, along with the Medical Society of New Jersey, filed an *amicus* brief supporting SMG's petition to the New Jersey Supreme Court.

Supreme Court of New Jersey Brief