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11
12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

14 CALIFORNIA PHARMACISTS
15 ASSOCIATION, *et al.*,

16 Plaintiffs,

17 vs.

18 DAVID MAXWELL-JOLLY,
19 DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF HEALTH
20 CARE SERVICES; and DOES 1
through 20, inclusive,

21 Defendants.

CASE NO. CV09-722 CAS (MANx)

**ORDER RE JOINT MOTION FOR
MODIFICATION OF COURT'S
APRIL 16, 2010 PRELIMINARY
INJUNCTION ORDER**

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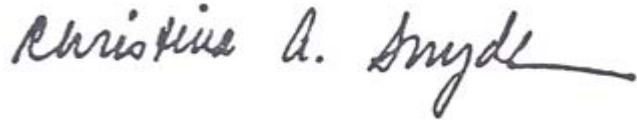
ORDER

Having considered the Hospital Plaintiffs and the Director's Joint Motion For Modification of this Court's April 16, 2010 Order and good cause appearing therefor,

IT IS HEREBY ORDERED that the Hospital Plaintiffs and Director's Joint Motion is GRANTED. The Court's April 16 order will be amended to read as follows:

Pursuant to the mandate from the Ninth Circuit, this Court hereby vacates the March 9, 2009 order denying plaintiffs' motion for a preliminary injunction with regard to AB 1183's reimbursement rate reduction to hospitals. According, the Court hereby grants plaintiffs' motion for preliminary injunction and orders respondent Director, his agents, servants, employees, attorneys, successors, and all those working in concert with him to refrain from enforcing Cal. Welf. & Inst. Code 14105.191 and 14166.245 with respect to services provided under the fee-for-service Medi-Cal program, by refraining from reducing by five percent payments to hospitals for distinct part nursing facility services and subacute services, by refraining from reducing by one percent payments to hospitals for outpatient services, and by refraining from limiting interim or final payments for inpatient services provided by hospitals that are not under contract with the Department of Health Care Services pursuant to Welfare and Institutions Code section 14081, et seq. to 95 percent of the applicable regional average per diem contract rate for tertiary hospitals and for all other hospitals, as described in Welfare and Institutions Code section 14166.245

IT IS SO ORDERED.



DATED: June 16, 2010

By: Christina A. Snyder
Judge of the United States District Court