

Protecting Patient Access to Medication

January 14, 2019

Dear Members of Congress:

We want to express our concern regarding any proposal that would repeal the non-interference (NI) clause – a crucial fixture and protection in the Medicare Part D program. We are concerned that changes to the Part D NI clause could undermine the private negotiations that enable seniors to access affordable prescription drug coverage. We, the below organizations, are opposed to changes that could alter this important provision and the overall Part D program as well as any future proposals that could restrict access to vital medications for patients.

Medicare Part D has been a successful program since its implementation and relies on a competitive market structure. An important part of that structure is the NI clause, which states that the government may not interfere with the private negotiations between drug manufacturers and insurance companies. Instead, manufacturers, pharmacy benefit managers (PBMs) and insurance companies negotiate directly in order to reach the lowest possible prices for prescription medications.

In the past, proposals to repeal NI incorrectly suggested that beneficiaries could benefit if the government was able to play a role in Part D negotiations. Lawmakers think that government participation in the negotiation process would save both the program and beneficiaries money. However, the Congressional Budget Office has found that government negotiation in the Part D process would have a negligible impact on federal spending unless it is also paired with limitations on access to certain medications.

Restricting access to prescription drugs in the name of cost saving runs counter to the purpose of Medicare Part D. Part D is meant to enable seniors to access the medications they need, at prices they can afford, to stay healthy and productive. Additionally, the competitive market allows beneficiaries to shop around for plans and select the best coverage plan based on the prescription medications that are covered. If the government was to enter the negotiations, they could open Part D to a single, national formulary, drastically limiting the types of medications available to the patients who need them most.

We are very concerned that these changes would have harmful effects on patients and lead to larger access and adherence issues. Broad coverage of medications and taking medicines as prescribed improves adherence and helps to avoid costly hospitalizations, which ultimately helps beneficiaries stay healthy and decreases overall Medicare spending. Conversely, government interference in this process could constrict that access and undermine the process that makes Medicare Part D so effective and affordable for all Americans. Decisions about choice of medication should be made solely by healthcare providers and their patients.

Our nation's seniors and people with disabilities rely on Part D to receive the highest standards of care through affordable access to a wide variety of prescription drug options. Allowing the government to interfere with private negotiations could limit that access, decrease adherence and have a dramatically negative effect on the future sustainability of the program. It is critical that we oppose any changes or weakening of the NI clause in order to preserve Part D's competitive market structure, focus on value-

based reforms, and most importantly, ensure we are protecting the health and wellbeing of the seniors who rely on this vital program.

Sincerely,

National Organizations

Action CF

ADAP Advocacy Association

Alliance for Patient Access

Allies for Independence

American Autoimmune Related Diseases Association

American Behcet's Disease Association (ABDA)

American Society of Plastic Surgeons

BIO

Caregiver Action Network

Caregiver Voices United

Colorectal Cancer Alliance

Community Access National Network (CANN)

Council for Affordable Health Coverage

Healthcare Leadership Council

HealthHIV

IFAA – International Foundation for Autoimmune & Autoinflammatory Arthritis

International Cancer Advocacy Network

Long Term Care Community Coalition

Lupus and Allied Diseases Association

National Grange

National LGBT Cancer Project

National Hispanic Council on Aging

National Minority Quality Forum

National Osteoporosis Foundation

RetireSafe

Robert F. Kennedy Human Rights

Schizophrenia and Related Disorders Alliance of America (SARDAA)

Suicide Awareness Voices of Education

The AIDS Institute

The American Liver Foundation

The Latino Coalition

The National Puerto Rican Chamber of Commerce

U.S. Rural Health Network

US Chamber of Commerce

US Pain Foundation

ZERO – The End of Prostate Cancer

State Organizations

1in9 The Long Island Cancer Action Coalition

A 2nd Act AZ

Advocates for Responsible Care (ARxC)

AIDS Delaware, Inc.

Alabama Council for Behavioral Healthcare
Alliance Community Services
Alpha Home, Inc.
ALS Association Greater Philadelphia Chapter
Alzheimer's & Dementia Resource Center
Alzheimer's and Dementia Alliance of Wisconsin
Ames Chamber of Commerce
Arizona Cancer Support Community
Arizona Myeloma Network
Asthma and Allergy Foundation of America, New England Chapter
Aunt Rita's Foundation – AZ
AZ BIO
Bio Nebraska Life Sciences Association
Biocom
BioForward Wisconsin
BioNJ
Bioscience Association of North Dakota
BioUtah
Black, Gifted & Whole Foundation
Brain Injury Alliance Arizona
Brain Injury Association of DE
CalAsian Chamber of Commerce
California Association of Area Agencies on Aging
California Chronic Care Coalition
California Health Collaborative
California Hepatitis C Task Force
California Life Sciences Association – CLSA
Cancer Support Community Central Ohio
Carrie's TOUCH
Central Florida Behavioral Health Network
Centro de Mi Salud, LLC
Charleston Parkinson's Support Group
Chicago Hispanic Health Coalition
Coalition of Texans with Disabilities
Colorado Bioscience Association
Colorado Business Roundtable
Colorado Gerontological Society
Community Health Action Network
Community Health Charities of Nebraska
Community Liver Alliance
Connecticut Bioscience Growth Council
CSRA Area Agency on Aging, Augusta GA
Danio Connect
Danio Diary
Delaware Academy of Medicine / Delaware Public Health Association
Delaware BioScience Association
Delaware Ecumenical Council on Children and Families
Delaware HIV Consortium

Des Moines Womenheart
Dia de la Mujer Latina
Easter Seals North Georgia, Inc.
Easterseals Central Texas
Easterseals Colorado
Easterseals Iowa
Easterseals Massachusetts
Easterseals Nebraska
Easterseals UCP North Carolina & Virginia
Epilepsy Alliance Louisiana
Epilepsy Alliance Ohio
Epilepsy Foundation New England
Epilepsy Foundation of Western Wisconsin
FAIR Foundation
Fairhill Partners
First Step House
Florida Society of Rheumatology
Florida State Hispanic Chamber of Commerce
Free ME from Lung Cancer
H.E.A.L.S. of the South
Hannah's Hope Fund
Health Equity Alliance
HealthCare Institute of New Jersey (HINJ)
Hope Street DE
Idaho Chapter – National Hemophilia Foundation
Idaho NPAF
Illinois Biotechnology Innovation Organization
Indiana Health Industry Forum
International Institute for Human Empowerment
Iowa Biotechnology Association
Iowa State Grange
Kentucky Access to Care Coalition
Kentucky Chamber of Commerce
Kentucky Life Sciences Council
Latino Commission on AIDS
Life Sciences Pennsylvania
Living Hope for Mental Health
Los Angeles Area Chamber of Commerce
Lupus Colorado
Lupus New England
Lupus Foundation of Arkansas, Inc.
Lupus of Nevada
Massachusetts Association for Mental Health
MassBio
Medical Alley Association
Medical Oncology Association of Southern California, Inc.
Mental Health America of California
Mental Health America of Franklin County

Mental Health America of Montana
Metropolitan Milwaukee Association of Commerce
MichBio
Michigan Lupus Foundation
Michigan Osteopathic Association
Missouri Biotechnology Association (MOBIO)
Montana BioScience Alliance
NAACP New York State Conference
NAMI Alabama
NAMI Cayuga County
NAMI Dona Ana County
NAMI FR
NAMI Huntington
NAMI Indiana
NAMI Iowa
NAMI Kansas
NAMI Maryland
NAMI North Carolina
NAMI North Dakota
NAMI Ohio
NAMI Sioux Falls
NAMI South Dakota
NAMI St. Louis
NAMI St. Tammany
NAMI Utah
NAMI Wyoming
National Association of Hispanic Nurses Houston
NC State Grange
Nevada BIO
New England Biotechnology Association
New Jersey Association of Mental Health and Addiction Agencies, Inc.
New Mexico Biotechnology & Biomedical Association
NJ Mayors Committee on Life Sciences
North Carolina Biosciences Organization
North Dakota Autism Connection
North Dakota Rural Health Association
Northeast Kidney Foundation
Northern Utah Coalition, Inc.
Northwest Parkinson's Foundation
Ohio Association of Free Clinics
Ohio State Grange
Oregon Bioscience
Oregon Project Access NOW
Oregon State Grange
Playing For Life Foundation
Prevent Blindness, Ohio Affiliate
Rio Grande Valley Partnership
Rocky Mountain Stroke Center

Rogue Valley Urology
Rush to Live
Scleroderma Foundation Washington Evergreen Chapter
Senior Voices NW
Sickle Cell Disease Foundation
Sickle Cell Foundation, Inc.
Sisters Working It Out
South Dakota Biotech
Southern Arizona AIDS Foundation
Survivors Cancer Action Network Alabama
Tennessee Association of Adult Day Services
Texas Association of Business
Texas Association of Manufacturers
Texas Healthcare and Bioscience Institute
Texas Renal Coalition
The ALS Association Greater Sacramento Chapter
The Kim Foundation
The Psychosocial Rehabilitation Association of New Mexico
The Wall Las Memorias Project
Utah Advocates
Utah Coalition of La Raza
Utah Support Advocates for Recovery Awareness
Valle Del Sol
Valley AIDS Council
Virginia Bio
Virginia Chamber of Commerce
Virginia Hispanic Chamber
Visa
Visiting Nurse Association of Pottawatamie County
Visiting Nurse Association of the Midlands
Wilderman Physical Therapy, LLC
Wisconsin Association of Osteopathic Physicians & Surgeons
Wisconsin Manufacturers & Commerce
Wisconsin Nurses Association
Wisconsin Rheumatology Association
WomenHeart of Jamestown
Wyoming Epilepsy Association
Yuma Chamber of Commerce