

November 17, 2009

Mr. Billy Tauzin, President
Pharmaceutical Research and Manufacturers of America
950 F Street, NW
Washington, D.C. 20004

Ms. Kathleen Jaeger, President
Generic Pharmaceutical Association
2300 Clarendon Blvd. Suite 400
Arlington, VA 22201

Subject: CMS's Part D Non-Matched FDA NDC List

Dear Billy and Kathleen:

As you know, the Centers for Medicare and Medicaid Services (CMS) recently released a subset of the list of Medicare Part D covered drugs which the agency is calling its "non matched" drug list. While Medicare Part D has paid claims for these drugs, they are apparently not officially "listed" with the Food and Drug Administration (FDA). There are thousands of NDCs on these lists. CMS has indicated that they will not pay for these drugs unless they are appropriately listed with the FDA.

As you might imagine, we are very concerned that Medicare beneficiaries may not be able to obtain these drugs after January 1, 2010, until and unless the drugs' manufacturers appropriately list them. CMS is going to deny Part D plans' requests for payment for these claims.

We urge you to do all you can to ask the manufacturer members of your organizations to expeditiously review the list and make sure they list these drugs with the FDA if they are on the "non matched" list. We believe that manufacturers are ultimately responsible for making sure that their drugs products meet all the requirements necessary for Medicare Part D coverage. Please help us serve our patients by getting out the word to your manufacturer members.

Thank you for your concern with this matter, and please contact me with any questions.

Sincerely,



Bruce Roberts
Executive Vice President and CEO