



Drive for Business Negotiation Rights Legislation Begins

One of NCPA's top legislative priorities in the 110th Congress, a measure that would break the stranglehold PBMs' all or nothing contracts have on independent community pharmacy, has been introduced in the House and we expected a companion Senate bill to follow soon. Once again, Reps. Anthony Weiner (D-N.Y.) and Jerry Moran (R-Kan.) are the chief sponsors of this business negotiation rights legislation in the House. In the last Congress, more than 100 of their colleagues signed on as bipartisan cosponsors, but the legislation was stymied by House Republican leaders and the giant PBMs.



▲ Anthony Weiner (D-N.Y.)

H.R.971, the Community Pharmacy Fairness Act of 2007, would create a narrow exemption to current antitrust law that would allow non-publicly held community pharmacies to form groups to negotiate contracts with PBMs as well as Medicare Part D plans.

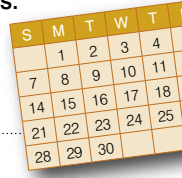


▲ Jerry Moran (R-Kan.)

"Under current law, the hands of independent pharmacists are tied because they aren't allowed the same leverage as large chains, and others, to negotiate the terms of contracts with health plans," says NCPA Executive Vice President and CEO Bruce Roberts, RPh. "Passage of H.R.971 would give these small business owners the green light—and the clout—to get a better deal for their patients."

Currently, independent community pharmacies are offered take-it-or-leave-it contracts by the PBMs and Part D plans. Giant PBMs have voiced concern over allowing pharmacies to negotiate for fear of losing the PBMs' monopoly over these small businesses that allows them to dictate terms and create windfall profits for their shareholders. If pharmacies were allowed to enter into direct busi-

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ness negotiations, they could bargain for contract terms that would:

- Limit the shrinking and shifting formularies that restrict a patient's treatment options.
- Reduce the pre-authorization hassles to obtain refills or formulary-restricted medications that generate red tape and create hurdles for patients trying to obtain their medications.
- Limit the switching of patients to medications that may not be better for them therapeutically, but that earn higher brand-name drug rebates for the PBM.

"Community pharmacists are health care professionals who are first and foremost patient advocates," says NCPA President John Tilley, RPh. "The Community Pharmacy Fairness Act will give us a cost-saving tool to help patients get their medicines as inexpensively as possible and provide convenient and timely medication access to patients in communities across the nation."

Call your representative TODAY through the Capitol Switchboard at 202-225-3121 and urge him/her to cosponsor H.R.971.

Check the NCPA Web site (www.ncpanet.org) under "Government Affairs" to see if they already have signed on and for more information. **ap**