March 12, 2014

United States House of Representatives
Washington, D.C. 20515

Dear Representatives,

I am writing today to express how deeply disappointed the National Community Pharmacists Association (NCPA) and its thousands of member pharmacists are in the recent decision by the Centers for Medicare & Medicaid Services (CMS) to not move forward at this time with the patient choice provision included in its Part D proposed rule.

Over the last several weeks, you have heard from countless community pharmacists and patients in your districts regarding the inadequacies of preferred pharmacy drug plans. You have heard of the difficulties beneficiaries are facing when trying to find a pharmacy close by and in their preferred network, especially in rural and underserved communities. By allowing independent community pharmacies to continue to be excluded from negotiations for preferred pharmacy arrangements in this taxpayer funded program, some seniors are forced to travel 20 miles or more to reach a preferred pharmacy or pay a heftier copay at a non-preferred pharmacy. We believe this is simply not right, and NCPA and our members will continue to fight for the patients they have been serving for decades.

There has been widespread support for ensuring that the “any willing pharmacy” standard applies to preferred pharmacy networks. In fact, the statute explicitly states that a prescription drug plan must permit the participation of “any willing pharmacy” that meets the terms and conditions of that plan. It seems that the only opposition to opening preferred networks has come from those who profit immensely from its current structure of zero accountability to beneficiaries and taxpayers. CMS itself acknowledged that preferred pharmacy plans often raise costs to Medicare and the taxpayer, a clear violation of the Social Security Act, which Congress and CMS have a legal obligation to uphold.

Our concerns surrounding the “any willing pharmacy” issue are not going to go away. We will continue to advocate for them and implore CMS to continue to examine this topic. We will also be asking some of you to introduce and cosponsor pro-patient, pro-pharmacy legislation in order to further clarify this unfortunate misuse and abuse of the current law.

NCPA will continue to encourage CMS to move forward with other pro-patient, pro-pharmacy small business provisions in the proposed rule, including: giving more seniors access to Part D’s medication therapy management (MTM) benefit; requiring regular generic pricing updates; not penalizing seniors with higher copays for choosing their local community pharmacy over mail order; allowing CMS to combat fraud, waste, and abuse by requiring plan sponsors to hire independent auditors; banning reimbursement practices that penalize long-term care pharmacies for adopting cost-efficient dispensing practices; and protecting seniors by establishing fulfillment...
requirements for mail order pharmacies, in response to a litany of complaints to CMS. It is our hope that you will support these provisions in the proposed rule.

We look forward to working with all of you on this and future issues in order to continue to improve our nation’s health care.

Sincerely,

B. Douglas Hoey
CEO
National Community Pharmacists Association