

Medicare Stakeholders Call for Copay Assistance to Part D Beneficiaries in Response to the Pressures of the Pandemic

August 19, 2020

Gregory Demske
Chief Counsel to the Inspector General
Office of the Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Demske:

On behalf of the undersigned organizations and over 45 million persons covered by Medicare Part D and their family caregivers, we urge you to rescind the current ban on the use of copay cards in the Medicare Part D program at least through the current Novel Coronavirus (COVID-19) pandemic. We believe this is an urgent step necessary to respond to the needs of Medicare beneficiaries during the ongoing public health emergency.

Medicare beneficiaries are struggling to pay their drug copayments now more than ever. Medicare does not limit how much patients must pay for their prescription medicines under Part D. The lack of an out-of-pocket cap is felt by Medicare beneficiaries now more than ever before, as beneficiaries and their families face the financial uncertainty caused by the COVID-19 pandemic.

We support the steps taken thus far by the HHS Office of Inspector General (OIG) in response to the unique circumstances brought on by the COVID-19 pandemic. In particular, OIG's announcement¹ that it will allow Federal health care program beneficiaries to use telehealth services during the outbreak will enable many Medicare beneficiaries to continue to receive necessary care from the safety of their homes. We request you to exercise similar authority to improve access for Part D beneficiaries.

We urge you to exercise the OIG's enforcement discretion and issue a policy statement announcing that, for the period of the public health emergency, penalties will not be imposed on healthcare providers and suppliers, including biopharmaceutical manufacturers, that offer patient support programs to subsidize Medicare Part D beneficiary out-of-pocket costs. Such a policy change would benefit Medicare Part D beneficiaries by facilitating access to and adherence with needed medicines. It would also improve beneficiaries' overall ability to manage critical and pressing health-related and household expenses.

¹ See OIG, *OIG Policy Statement Regarding Physicians and Other Practitioners That Reduce or Waive Amounts Owed by Federal Health Care Program Beneficiaries for Telehealth Services During the 2019 Novel Coronavirus (COVID-19) Outbreak* (Mar. 17, 2020), <https://oig.hhs.gov/fraud/docs/alertsandbulletins/2020/policy-telehealth-2020.pdf>.

By improving access to necessary medications, we believe this important step will improve patient outcomes through better adherence to prescription regimens. During this time of great need and uncertainty, out-of-pocket cost subsidies can help to fill critical gaps and preserve access to care for millions of Medicare beneficiaries. For these reasons, we urge you to ease the current barrier to providing financial support. Thank you very much for your consideration of our request.

We would very much appreciate an opportunity to discuss our recommendations with OIG colleagues immediately following your review of this letter, and will assemble a representative groups of patient advocates for this conversation. For additional information, please contact any of the undersigned organizations or Carl Schmid at cschmid@hivhep.org; Randall Rutta at randallrutta@aarda.org; Grace Whiting at grace@caregiving.org; Yanira Cruz at ycruz@nhcoa.org; or Pat Wildman at wildman@lupus.org. Thank you for your consideration.

Sincerely,

ACCSES

Acromegaly Community, Inc

Advocacy & Awareness for Immune Disorders Association (AAIDA)

Advocates for Responsible Care

AIM at Melanoma

Aimed Alliance

Allergy & Asthma Network

Alliance for Patient Access

Allies for Independence

American Association of Clinical Urologists

American Autoimmune Related Diseases Association

American Behcet's Disease Association (ABDA)

American GI Forum Education Foundation of SM

American Kidney Fund

American Liver Foundation

American Society of Consultant Pharmacists (ASCP)

American Urological Association

Americans for Tax Reform

APS Foundation of America, Inc

Arizona Chronic Care Together

Arizona Medical Association

Arizona Pharmacy Association

Arizona Prostate Cancer Coalition, Inc.

Arizona United Rheumatology Alliance (AURA)

Asthma and Allergy Foundation of America

Axis Advocacy

Beyond Type 1

Born a Hero, Research Foundation

Brain Injury Alliance of Arizona

Brain Injury Association of America

Breast Cancer Resource Center
Bridge the Gap - SYNGAP Education and Research Foundation
California Access Coalition
California Chronic Care Coalition
California Hepatitis C Task Force
Caregiver Action Network
Caring Ambassadors Program
Cascade AIDS Project
Center for Medicine in the Public Interest
Chronic Care Policy Alliance
Chronic Disease Coalition
Coalition of Texans with Disabilities
Colorado Council Black Nurses Inc.
Community Wellness Alliance
Conquer Myasthenia Gravis
Creating Patient Access Task Force
Delaware Academy of Medicine and the Delaware Public Health Association
Dia de la Mujer Latina. Inc.
Dystonia Medical Research Foundation
Easterseals
Epilepsy Foundation -Oregon
Familia Unida Living with MS
FORCE: Facing Our Risk of Cancer Empowered*
Free Me From Lung Cancer
GBS|CIDP Foundation International
Global Healthy Living Foundation
Global Liver Institute
GO2 Foundation for Lung Cancer
Hartford County Medical Association
Healing Hearts of Central Ohio
HealthHIV
Healthy Women
Hemophilia Association of the Capital Area
Hemophilia Federation of America
Hepatitis C Mentor and Support Group-HCMSG
Hero House NW
HIV + Hepatitis Policy Institute
Human Rights Campaign
ICAN, International Cancer Advocacy Network
Idaho Society of Clinical Oncology
International Association of Hepatitis Task Forces
International Foundation for Autoimmune & Autoinflammatory Arthritis (AIArthritis)
International Foundation for Gastrointestinal Disorders
International Pain Foundation
International Pemphigus Pemphigoid Foundation
Interstitial Cystitis Association

Kidney CAN
Latino Diabetes Association
Leukemia Research Foundation
Liver Coalition of San Diego
Lupus and Allied Diseases Association, Inc.
Lupus Foundation of America
Lymphatic Education & Research Network
Male Breast Cancer Coalition
Massachusetts Independent Pharmacists Association
Medical Society of Northern Virginia
Men's Health Network
Metastatic Breast Cancer Network
METAvivor Research and Support Inc.
MiOra Foundation
Mountain Foundation for Education & Research in Lung Cancer
NAACP
NAMI Greater Cleveland
NAMI Washington
National Adrenal Diseases Foundation (NADF)
National Alliance for Caregiving
National Alliance of State Prostate Cancer Coalitions
National Alliance on Mental Illness
National Alliance on Mental Illness (NAMI) Texas
National Alliance on Mental Illness (NAMI) Virginia
National Alopecia Areata Foundation
National Association of Hispanic Nurses
National Association of Hispanic Nurses Houston
National Black Nurses Association
National Coalition for LGBT Health
National Grange
National Hispanic Council on Aging
National Hispanic Medical Association
National Infusion Center Association (NICA)
National Pancreas Foundation
NephCure Kidney International
Neuropathy Action Foundation
Nevada Chronic Care Collaborative
NJ Rheumatology Association
Ohio Bleeding Disorder Council
Pacific Research Institute, Center for Medical Economics and Innovation
Patient Advisor
Patients Rising Now
Prevent Cancer Foundation
Project Sleep
Prostate Conditions Education Council*
Pulmonary Hypertension Association

Rare New England
Restless Legs Syndrome Foundation
RetireSafe
Rx in Reach GA Coalition
Rx Partnership
Schizophrenia and Related Disorders Alliance of America
Scleroderma Foundation, Inc.
SHARE Cancer Support for Women
Sickle Cell Thalassemia Patients Network
Sisters Network Inc.
Sjogren's Foundation
Spondylitis Association of America
State of Texas Association of Rheumatologists
Susan G. Komen
Texas Rheumatology Care
The Arizona Clinical Oncology Society
The End-FLUenza Project
The Life Raft Group
The Mended Hearts
The State of Black Arizona
The Wall Las Memorias Project
Tigerlily Foundation*
Triage Cancer
US Hereditary Angioedema Association
Us TOO International
Utah AIDS Foundation
Vasculitis Foundation
Vets Place Northwest- Welcome Home
Virginia Breast Cancer Foundation
Virginia Hemophilia Foundation
Virginia Society of Rheumatologists
ZERO - The End of Prostate Cancer

*Signed on since initial transmittal to the OIG on August 19, 2020

Cc: The Honorable Alex M. Azar, Secretary, HHS
The Honorable Seema Verma, Administrator, CMS