

**NCPA Advocacy Center Update**  
**Week Ending May 4, 2018**

**NCPA Urges CMS to Pursue Rulemaking Addressing Retroactive DIR Fees**

This week, NCPA sent a letter (see attached) to CMS urging the agency to move forward with proper rulemaking to require pharmacy DIRs to be accounted for at point-of-sale. The letter stated, in part “The retroactive nature of these fees means beneficiaries face higher cost-sharing for drugs and are accelerated into the coverage gap or “donut hole” phase of their benefit. What’s more, beneficiaries reach the catastrophic phase of the benefit, for which CMS incurs approximately eighty percent of the cost.” NCPA will continue working with CMS, administration officials, and members of Congress to address this critical issue.

**House Energy and Commerce Full Committee Scheduled to Markup Opioid Legislation**

The House Energy and Commerce announced that the full committee will markup legislation to combat the opioid crisis in two sessions over two weeks. The first markup is scheduled for Wednesday, May 9, with more information, including a full list of bills to be considered, available on Monday, May 7. The second markup is scheduled for Thursday, May 17, 2018, with more information provided as it becomes available. NCPA has been active in ensuring that the legislation being considered would empower, not hamper, the ability of pharmacists to treat patients and play a role in ending the opioid epidemic.

**House E&C Subcommittee on Oversight Calls on Drug Wholesalers to Testify**

The House Energy & Commerce Subcommittee on Oversight and Investigations will hold a hearing on May 8, 2018 related to the committee’s ongoing investigation into alleged pill dumping in West Virginia. The following witnesses have been called to testify:

- Mr. John Hammergren, Chairman, President and CEO, McKesson Corporation;
- Mr. George Barrett, Executive Chairman of the Board, Cardinal Health Inc.;
- Mr. Steven Collis, Chairman, President and CEO, AmerisourceBergen Corporation;
- Dr. Joseph Mastandrea, Chairman of the Board, Miami-Luken, Inc.; and
- Mr. J. Christopher Smith, former President and CEO, H.D. Smith Wholesale Drug Company.

The committee has spent the past year investigating the sale of pills in West Virginia by wholesale drug distributors and has sent letters to all of the distributors asking for information about steps they took to keep drugs off the black market and to report suspicious orders of pills.

**NCPA submits comments to CMS on DIR reporting requirements**

Today NCPA submitted comments to CMS regarding Part D plan sponsors’ DIR reporting requirements for contract year 2017. Each year CMS proposes how DIR fees will be reported to CMS. This year, NCPA strongly supported CMS’ distinction between the fields “Amounts Received from Pharmacies” and “Amounts Paid to Pharmacies” as this distinction sheds lights on the differing quality measures used in Part D. Further, NCPA recommended that CMS include additional fields that would further delineate DIR amounts charged or paid to non-retail pharmacies, including mail order and specialty pharmacies. NCPA continues to urge CMS to consider the differences in plans’ reconciliation procedures and recognize the immense burden these differences have on community pharmacy.

**340B survey is out to community pharmacies**

NCPA has prepared a survey to determine how many community pharmacies participate in the 340B program and to identify any concerns, successes, or issues community pharmacies may have

experienced as contract pharmacies in the program. Results from this survey will help NCPA best advocate for community pharmacies in the 340B Program space. The survey can be found here: <http://bit.ly/340B-survey>.

### **NCPA Participates in DQSA Meeting at FDA**

NCPA member Cheri Garvin and staffers Ronna Hauser and Adam Harbison participated in a meeting this week between DQSA Coalition members and FDA leadership responsible for implementing the compounding provisions contained in the DQSA. Members of the coalition in attendance included physicians, pharmacists, and suppliers. Coalition members explained that access to compounds is being jeopardized by FDA policies. FDA staff asked for specific examples of access issues and any proposals the coalition has to remedy the problem. We will continue to advocate for you on this issue.

### **CMS Revises Part D Standard Notice**

The Centers for Medicare & Medicaid Services (“CMS”) issued a memorandum on May 2, 2018 announcing the revised, OMB-approved standardized notice, “Medicare Prescription Drug Coverage and Your Rights” (CMS-10147). Effective July 1, 2018, CMS requires all Part D plan sponsors’ network pharmacies to use the revised pharmacy notice. The revised pharmacy notice includes the following modifications:

- Revised language to read “a preferred drug” rather than “the preferred drug”
- Language explaining how beneficiaries can request the notice in alternative formats
- The PRA Disclosure Statement
- The expiration date

This notice must be provided to Part D beneficiaries when (1) the beneficiary’s prescription cannot be filled under the Part D benefit; and (2) the issue cannot be solved at the point of sale. The revised pharmacy notice is available on the CMS Medicare Prescription Drug Appeals & Grievances webpage (under “Plan Sponsor Notices and Other Documents”).

### **NCPA Key Legislation Co-Sponsorship Update**

Since the NCPA Pharmacy Summit in April, co-sponsorship for many of NCPA’s priority bills have increased. Current totals are listed below and the NCPA co-sponsor matrix is attached so you can see what each legislator is supporting. Reminder, NCPA has easy-to-use templates online for [taking grassroots action](#) to voice support for each of these measures

- Pharmacy DIR fees: S. 413: 13 Senators / H.R. 1038: 71 Representatives
- Generic drug pricing transparency (or MAC legislation): H.R. 1316: 50 Representatives
- Pharmacy choice in Medicare Part D: S. 1044: 5 Senators / H.R. 1939: 31 Representatives
- Provider status: S. 109: 52 Senators / H.R. 592: 270 Representatives
- Compounding: H.R. 2871: 47 Representatives

### **NCPA Roundup of 2018 Pharmacy Visits and In-District Meetings with Legislators**

Since January, more than 20 members of Congress or their staff have either visited an independent pharmacy or met with pharmacists in the district, with several additional visits pending. This in district engagement helps legislators understand the role independent pharmacists play in the health care system, the challenges they face and the need for legislative action or provide pharmacy champions with additional information and examples to fight for legislative remedies.

There are several upcoming opportunities to engage members of Congress while they are in the district. Congress will be on recess for Memorial Day from May 25-June 4, for Fourth of July from June 29- July 9, and for their annual August recess from July 27-September 3. If you are interested in engaging with a member during one of these periods, some helpful tips are available [here](#). You can also contact Michael Rule at (703) 838-2671 or [michael.rule@ncpanet.org](mailto:michael.rule@ncpanet.org) for assistance.

Members of Congress (or their staff) Participating in a Pharmacy Visit or In District Meeting in 2018:

- Rep. Robert Aderholt (R-Ala.)
- Rep. Jack Bergman- (R-Mich.)
- Rep. Sanford Bishop- (D-Ga.)
- Rep. Brendan Boyle- (D-Pa.)
- Rep. Mike Conaway- (R-Texas)
- Rep. Ric Crawford- (R-Ark.)
- Rep. Virginia Foxx- (R-N.C.)
- Rep. Vicente Gonzalez- (D-Texas)
- Sen. Orrin Hatch- (R-Utah)
- Sen. James Lankford- (R-Okla.)
- Rep. Billy Long- (R-Mo.)
- Rep. Tom MacArthur- (R-N.J.)
- Rep. Brian Mast- (R-Fla.)
- Rep. David McKinley- (R-W.Va.)
- Rep. John Ratcliffe (R-Texas)
- Rep. Phil Roe- (R-Tenn.)
- Rep. Peter Roskam- (R-Ill.)
- Rep. Brad Schneider- (D-Ill.)
- Rep. Corey Stewart- (R-Utah)
- Sen. Roger Wicker- (R-Miss.)

### **Advocacy Center Staff Directory**

NCPA's Advocacy Center has gained several new staff members over the past few months. A directory of current Advocacy Center staff and how to contact us is attached for your reference.

### **In the states ...**

- **Colorado** [HB 1358](#), which would require community pharmacies to publicly publish retail drug prices for insured and uninsured patients, was postponed indefinitely in committee. NCPA opposed the bill because the vague nature of the disclosure requirements would have made it impossible for community pharmacies to comply.
- **Louisiana** [SB 241](#), which provides for pharmacist/patient communication relative to medication costs, was amended and passed in the House.
- **Minnesota** [SF 3656](#), an omnibus budget bill containing patient protection provisions related to medication synchronization and pharmacist/patient communication on equivalent, cheaper alternatives, was amended and passed in the House. [SF 2836](#), containing similar provisions, passed the Senate and is now in the House.
- **New Hampshire** [HB 1791](#), which allows pharmacists to disclose information relative to lower cost drugs under the managed care law, was amended and passed in the Senate.

- **Tennessee** [SB 1852](#), which requires pharmacy benefits managers to be licensed in the state, was signed by the governor.