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November 29, 2011

Division of Regulations Development  
Office of Strategic Operations and Regulatory Affairs  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244-1850  
Attention: Document Identifier / OMB Control Number, Room C4-26-05

**Subject: Title of Information Collection: Survey of Retail Prices: Payment and Utilization Rates and Performance Rankings; CMS-10241**

Dear Sir or Madam:

We appreciate the opportunity to submit our comments and observations regarding the above-referenced revision of information collection.

CMS is not authorized by Congress to collect NADAC data; thus, this represents an unfunded mandate on small businesses. CMS should allow pharmacy wholesalers to submit NADAC data to the agency to reduce the burden on small pharmacies.

CMS needs to make clear that the NADAC data are outdated because the invoices used to calculate the NADAC data might be several months old and not reflect real-time purchasing costs to independent pharmacies. However, CMS should compare the NADAC data to the FULs and not set the FULs any lower than the NADACs for multiple source drugs.

CMS should indicate on the public website how it is averaging the invoice data collected, given the single NADAC amount for a drug will include purchasing costs from independent and chain pharmacies. It should also indicate the median for each drug.

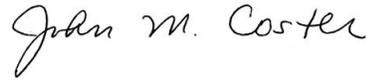
CMS needs to make clear to pharmacies in the survey instrument that providing the data to CMS is voluntary.

CMS should not allow states to use these data for pharmacy reimbursement unless CMS approves and maintains as part of the SPA approval a state dispensing fee that corresponds to the pharmacy costs of dispensing Medicaid prescriptions in the state, based on accurate cost of dispensing studies.

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NCPA appreciates the opportunity to comment on Title of Information Collection: Survey of Retail Prices: Payment and Utilization Rates and Performance Rankings; CMS-10241. Please do not hesitate to contact me by email at [john.coster@ncpanet.org](mailto:john.coster@ncpanet.org), or by telephone at (703) 600-1184, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John M. Coster".

John M. Coster, Ph.D., R.Ph.  
Senior Vice President, Government Affairs