

September 28, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Trump:

On behalf of the National Community Pharmacists Association, I write to urge you to sign into law S. 2553, *Know the Lowest Price Act*, and S. 2554, *Patient Right to Know Drug Prices Act*, legislation that prohibits so-called pharmacist gag clauses in private plans and federal programs. NCPA represents America's community pharmacists, including the owners of more than 22,000 independent community pharmacies. Together they represent an \$80 billion health care marketplace and employ 250,000 individuals. Our members are small business owners who are among America's most accessible health care providers.

Community pharmacists have consistently stated that so-called gag clauses – overly broad confidentiality language and other provisions in PBM contracts – have the effect of chilling a range of important pharmacist communication with patients, including informing patients about lower cost alternatives for prescription drugs. NCPA has called for prohibitions in federal and state laws against such provisions and has advocated for their passage.

I commend you, HHS Secretary Alex Azar, and CMS Administrator Seema Verma for championing prohibitions against so-called pharmacist gag clauses. Earlier this summer, you released "American Patients First," a blueprint to lower drug prices and reduce out-of-pocket costs. The blueprint questioned the practice of gag clauses in federal and private health plans, and CMS requested information on how this practice may have hurt patients and the pharmacists that care for patients. In response, NCPA offered your administration suggestions for ensuring that pharmacists are free to tell patients about the most affordable drug options, as well as other solutions to lower prescription drug costs.

As a part of your efforts to reduce drug costs, CMS sent letters to health plan sponsors participating in the Medicare Part D program, advising them that CMS would no longer tolerate the use of so-called gag clauses in the Part D program. That letter was a much-needed shot across the bow for health plans to assure that the PBMs with which they contract in the Part D space do not prohibit pharmacists from communicating with patients on lower drug price alternatives.

Congress passed two pieces of legislation that prohibit so-called pharmacist gag clauses in private and Medicare health plans. NCPA applauds the efforts from Sens. Barrasso, Cassidy, Collins, McCaskill, Stabenow, and Wyden as well as Reps. Carter, Collins, Griffith, Rodgers, Scott, Welch, and others for advancing legislation that would address such provisions.

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On behalf of the 22,000 pharmacies we represent, NCPA asks that you sign S. 2553 and S. 2554 into law. Doing so will provide for the free flow of information between the pharmacist and patient and will support your efforts to meaningfully address prescription drug costs for Americans.

We're grateful to you for your leadership on this important issue.

Sincerely,



B. Douglas Hoey, Pharmacist, MBA
Chief Executive Officer

CC: The Honorable Alex M. Azar, Secretary of the Department of Health and Human Services
The Honorable Seema Verma, Administrator of the Centers for Medicare & Medicaid Services
The Honorable John Barrasso, Senator of Wyoming
The Honorable Bill Cassidy, Senator of Louisiana
The Honorable Susan Collins, Senator of Maine
The Honorable Claire McCaskill, Senator of Missouri
The Honorable Debbie Stabenow, Senator of Michigan
The Honorable Ron Wyden, Senator of Oregon
The Honorable Earl L. "Buddy" Carter, Representative of Georgia
The Honorable Doug Collins, Representative of Georgia
The Honorable Morgan Griffith, Representative of Virginia
The Honorable Cathy McMorris Rodgers, Representative of Washington
The Honorable Austin Scott, Representative of Georgia
The Honorable Peter Welch, Representative of Vermont