NCPA Congressional Pharmacy Summit Only Days Away
The NCPA Congressional Pharmacy Summit is days away. Registration is available onsite for anyone who has not yet registered but still wants to take advantage of several CE opportunities as we provide you with a legislative briefing and the latest Medicare and Medicaid updates. Then you will have an opportunity advocate for your pharmacy, your patients and your profession in meetings with legislators to encourage them to support common sense legislative reforms. Pharmacy Champion, Congressman Doug Collins (R-Ga.) is scheduled to speak at the Wednesday General Session and offers his personal invitation for pharmacist attendance. See the attached agenda for more information.

CMS Releases Final Part D Rule
Earlier this week, the Centers for Medicare and Medicaid Services issued a final rule to revise the Medicare Advantage and Part D prescription drug benefit programs. CMS finalized certain proposals that are important to community pharmacy, while leaving other issues including a proposal on pharmacy DIR fees for future rulemaking. The following are some highlights from the Final Rule:

- **CMS asserted its authority to set pharmacy DIR at point of sale in future rulemaking.** Although CMS did not make any final decisions related to pharmacy DIR fees, the agency did state that rulemaking on this issue is likely to occur in the future. CMS’s recognition of the need to address the issue at all is largely the result of NCPA’s forceful lobbying efforts and input.

- **CMS clarified that standard terms and conditions must be offered to “any willing pharmacy” for participation in Part D standard networks.** CMS cited NCPA’s efforts to bolster its clarification, stating that maintaining access to small businesses in rural areas may help maintain beneficiary access to specialty drugs from community pharmacies.

- **CMS emphasized that Part D plan sponsors cannot use additional accreditation standards to limit pharmacies in a network under certain circumstances.** NCPA advocated in its comments to CMS that PBMs utilize additional accreditation standards to keep independent pharmacies out of their networks.

- **CMS finalized the CARA drug management program that includes a prescriber/pharmacy “lock-in.”** NCPA agrees with CMS' decision to ensure plan sponsors consider beneficiary preference. NCPA urges CMS to remain vigilant in ensuring appropriate patient access.

States Request Senate Judiciary Committee Hearing on PBMs
This week, NCPA along with 48 state pharmacy stakeholder associations sent a letter to Sens. Charles Grassley (R-Iowa), Chairman of the Senate Judiciary Committee, and Diane Feinstein (D-Calif.), the committee’s Ranking Member. The letter raised pharmacy’s concerns that PBMs operate as unregulated middlemen in the pharmacy supply chain and that many of their practices are uncompetitive and ultimately drive up the cost of medications. The letter requests that the Judiciary Committee hold a hearing to investigate many PBM practices, including the one sided nature of pharmacy contracts and the lack of oversight. See the attached copy for more.
**Congressional Committees Continue Work on Opioids**

Next week, both chambers of Congress will hold hearings on the opioid crisis. On Wednesday morning, the Senate Health, Education, Labor, and Pensions (HELP) Committee will hold a hearing to review a bipartisan comprehensive opioid legislative package led by Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA). “The Opioid Crisis Response Act of 2018” would improve the ability of the Departments of Education, Labor, and Health and Human Services (HHS), including the Food and Drug Administration (FDA), the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), the Health Resources and Service Administration (HRSA), and the Substance Abuse and Mental Health Services Administration (SAMHSA), to address the crisis. Likewise, on Wednesday afternoon, the House Energy and Commerce Committee will hold its third legislative hearing to review Medicare and Medicaid legislation to address the opioid crisis. Among the 34 bills that the committee will consider is H.R 3528, “the Every Prescription Conveyed Securely (EPCS) Act”, by Reps. Markwayne Mullin (R-OK) and Katherine Clark (D-MA), which would require e-prescribing for controlled substances in Medicare Part D. NCPA has been working with the House sponsors of the EPCS legislation to address concerns for long-term care pharmacies and to ensure beneficiaries’ choice of pharmacy is respected. NCPA is currently reviewing all of the proposals related to these hearings and will be providing appropriate feedback to the committees on any policies that would possibly affect NCPA members.

**Kentucky, Ohio Actions Improve Medicaid Reimbursement Transparency**

The Kentucky legislature has enacted Senate Bill 5, which requires PBMs to make certain disclosures, including the amount paid by the MCO to the PBM and the portion of that amount that is subsequently paid to pharmacies. The bill also gives the Department of Medicaid Services the authority to set reimbursement rates between a PBM and a contracted pharmacy, thus ensuring pharmacies are reimbursed fairly. The bill was introduced by Senator Max Wise and supported by the Kentucky Pharmacists Association.

In Ohio, state Medicaid officials have announced plans to investigate claims that PBMs are increasing Medicaid costs by charging the state more for prescription claims than they are reimbursing pharmacies for filling the prescriptions. If the allegations are true, the state is prepared to hand down sanctions. The state Medicaid agency has asked all five managed care companies that contract with the state Medicaid program to provide data showing how much they paid their PBMs and how much the PBMs paid pharmacies to fill prescriptions during a 12-month period ending March 31.

“We salute Ohio Governor John Kasich for his pro-consumer, pro-competition leadership on this issue, as well as Kentucky Senator Max Wise for his diligence in passing disclosure legislation in that state,” said NCPA CEO B. Douglas Hoey, Pharmacist, MBA. The transparency and information these actions provide are what the marketplace needs to help make prescription medications more affordable.”

**ICYMI: Business Insider Opinion Piece Accuses CVS of Squeezing Small Pharmacies**

A lengthy opinion piece in Business Insider accuses CVS of squeezing small pharmacies and highlights action states such as Ohio and Arkansas are doing in response. The article notes several issues NCPA and pharmacy allies have been raising and is a must read. Please take a moment and pass this on to your legislators and request that they read it to.
In the states ...  

- **Arizona HB 2107**, which prevents PBMs from prohibiting pharmacists from providing an individual information on the insured’s cost share or a more affordable alternative and from collecting a copayment greater than the total submitted charges by the network pharmacy, has passed both chambers and has been sent to the governor.

- **Kentucky SB 5**, which establishes disclosure and contract requirements for PBMs that contract with managed care organizations to administer Medicaid benefits, has passed both chambers and has been sent to the governor.

- **Maryland HB 736**, which prevents PBMs from prohibiting pharmacists from providing an individual information on the insured’s cost share or a more affordable alternative, has passed both chambers.

- **Maryland HB 1349**, which establishes MAC pricing list requirements and provides for more authority and oversight of PBMs by the state Insurance Commissioner, has passed both chambers.

- **New York SB 7507**, a budget bill which included provisions for fair pharmacy audits, pharmacist disclosures to patients regarding copays, prohibitions on copay clawbacks, and expanded authority for pharmacists to immunize, has passed both chambers and has been sent to the governor.