

Dear New Hampshire Delegation:

The pandemic and economic slowdown are affecting everyone in New Hampshire, and we appreciate the delegation's leadership in helping people and small businesses during these trying times. We also want to thank you for continuing to fight so that every Granite Stater has access to quality healthcare.

As you look for ways to improve the healthcare system, it is important to address misguided changes to the Medicare program and pursue reforms that will directly benefit patients.

For example, nearing the end of the Trump Administration's term in office, abrupt changes were made to the Medicare Part D Payment Modernization Center for Medicare and Medicaid Innovation (CMMI) Model that will create significant adverse changes to prescription drug coverage starting in 2022. It is difficult to understand why these changes were made to begin with. What we do know is that these last-minute changes remove critical protections, fail to lower out-of-pocket protections, and will reduce access to needed medications. These ill-advised changes do not represent the best interests of New Hampshire patients and we urge you to relay our concerns to the Biden Administration to reverse these negative changes to the program as soon as possible.

Medicare Part D continues to play a critical role in New Hampshire's healthcare system by providing the life-saving medications that Granite Staters depend on every day. Specifically, the Trump Administration removed vital protections within the Medicare Part D program known as the six protected classes. The six protected classes are comprised of some of the most vulnerable population of patients and seniors who depend on these drug protections to live productive lives. The patients that fall in the six protected classes depend on the Part D program to afford and treat their unique health conditions.

Trump's changes to the program reduce availability and access to necessary prescriptions, eliminating crucial medication options for providers and patients.

Under the model revisions announced on January 19, 2021, participating Part D plans are allowed to treat the previously protected classes the same as other Part D drug classes, with one exception – drugs that treat HIV/AIDS patients. However, this excepted class would lose its protected status one year later in 2023. The result would be a drop in the requirement that all drugs included in the six protected classes are covered on plans' Part D formularies (with certain exceptions).

Moreover, any plan participating in this new Center for Medicare and Medicaid Innovation (CMMI) payment model would be allowed to include just one drug on the formulary in each of the six protected classes, a further reduction from the current standard of two drugs per class throughout Part D. The result of this CMMI payment model will be that patients struggling with serious and chronic illnesses will be uniquely harmed and physicians will be further burdened when facing conditions that are already exceedingly difficult to treat. Additionally, access to needed therapies and treatments will be, at best, delayed and in many cases restricted.

Vulnerable populations who rely on medications within the six protected drug classes must often try multiple drugs before finding a single treatment option, which is why having access to multiple drug options is critical for them. Without that protection, they may be forced to use drug treatments that do not fully address their health needs. The proposed model does not lower the out-of-pocket expenses for patients while stripping them of the protections they now have.

Additionally, we oppose the delayed implementation of the rebate rule aimed at excluding certain rebates paid by drug manufacturers from the discount safe harbor, safeguarding drug discounts at the pharmacy counter. Patients need financial relief during these difficult times and delaying implementation will limit the access to medications that so many depend on. The rebate rule is just one more example of why protecting patient access to quality, affordable and reliable healthcare must be a top priority for the Biden Administration.

Finally, the integrity of the Medicare Part D program and its six protected classes must be preserved or there will be significant additional hardships for these protected patients who already struggle with serious chronic illness. Any improvements to the Medicare Program should focus on improving access and affordability for patients. Sadly, the Trump Administration's changes to the Medicare program do just the opposite.

On behalf of the patients we serve, we urge you to strongly encourage the Biden Administration to stop the Part D model that would endanger the six protected classes and move forward with the timely implementation of the rebate rule. Millions of vulnerable Americans and New Hampshire citizens are relying on your support.

Respectfully,

Lupus Foundation New England

Epilepsy Foundation New England

Aids Response Seacoast

Dismas Home New Hampshire

