

June 11, 2013

Mr. Jonathan Blum
Deputy Administrator and Director for the Center of Medicare
Centers for Medicare and Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-8016

Dear Mr. Blum:

We are writing on behalf of various employer organizations regarding the “Advance Notice of Methodological Changes for Calendar Year (CY) 2014 for Medicare Advantage (MA) Capitation Rates, Part C and Part D Payment Policies and 2014 Call Letter,” published February 15, 2013 and are seeking your reconsideration on one issue. In particular, we are concerned about the proposed change which would require Part D plans to retain, and mail order pharmacies to obtain, patient consent prior to the delivery of each new or refilled prescription.

We represent many employers who sponsor retiree prescription drug plans and Employer Group Waiver Plans (EGWPs) where automatic prescription refill programs are widely used to ensure retirees are following the drug maintenance protocols prescribed by their doctors. We believe that appropriately structured automatic refill programs can be developed that balance the need for therapeutic adherence and convenience, and do not result in unnecessary waste.

Among suggested alternatives we ask you to consider are proposals for written or electronic consent when patients opt-in to an automatic refill program, with the opportunity for beneficiaries to opt-out of an automatic refill program entirely. These and other suggestions may provide better options to ensure that benefit plans can remain affordable and Medicare beneficiaries can access their prescription products in a way that meets their needs.

We urge you to reconsider unnecessarily restrictive requirements on automatic refill programs and hope you will call if you have further questions. We share your goal of ensuring Medicare beneficiaries, and those who are retirees of our plans, have access to affordable and quality benefits.

Sincerely,

American Benefits Council
Business Roundtable
The ERISA Industry Committee
HR Policy Association
National Association of Manufacturers
National Business Group on Health
U.S. Chamber of Commerce