

The Honorable Nancy Pelosi, Speaker
United States House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

The Honorable Mitch McConnell, Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Kevin McCarthy, Leader
United States House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Charles Schumer, Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Re: Medications Access Must be Included in Third COVID-19 package

Dear Speaker Pelosi and Leaders McConnell, McCarthy, and Schumer:

We, the undersigned organizations, appreciate the work Congress has done so far to respond to the COVID-19 pandemic. We write to strongly encourage you to include provisions regarding access to medications and supplies for people of all ages in the next legislative package.

People with chronic conditions need access to essential and lifesaving medications and supplies on a regular basis. The Centers for Disease Control and Prevention (CDC) has encouraged people who take medications to stock up on extra supplies of their medications to comply with social distancing guidelines and prepare for emergencies. However, many forms of insurance place limits on refills. Further, there are even stricter limits on medications that are controlled substances, commonly taken by people with epilepsy, mental illnesses, cancer and other serious medical conditions.

We urge Congress to take action to assist people with chronic, underlying health conditions to protect themselves in this crisis and maintain access to their medications. Removing burdensome barriers to obtaining medications, including by removing limits on refills or other efforts to ensure supply of these medications, will keep the people we represent out of hospitals and doctors' offices, freeing up space for those with COVID-19. This is a particular concern for people who take an approved medication that is being studied for use in COVID-19, including hydroxychloroquine which is used to treat lupus and rheumatoid arthritis.

So far, CMS has encouraged flexibility in Medicare¹ and states have flexibilities through 1135 waivers to relax refill limits.² However, implementation is uneven, and plans and states cannot relax controlled substance guidelines on their own. Congress must take immediate, national action to ensure access to medications.

We urge Congress and the Administration to take action to address the following issues:

- Require all payers to allow for provision of an emergency supply of medications and supplies by relaxing restrictions on timing of refills and amounts, to at least the CDC-recommended extra 30-day supply and up to a 90-day supply to reduce returns to the pharmacy³

¹ <https://www.cms.gov/files/document/hpms-memo-covid-information-plans.pdf>

² <https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/index.html>

³ https://www.cdc.gov/cpr/prepareyourhealth/00_docs/18_295610-A_PIB_Prescriptions.pdf

- Ensure that these protections extend to medications that are controlled substances and injectables
- Require all payers to waive prior authorization and utilization management requirements
- Require flexibility regarding use of mail order pharmacies, including out of state mail order pharmacies and other home delivery methods
- Require payers to relax requirements for in-person visits for refills, including allowing visits through telehealth
- Require all payers to waive or allow for delayed payment of out-of-pocket costs for emergency supplies
- Increase FDA monitoring and reporting of shortages, especially existing medications approved to treat chronic conditions that may be used to treat COVID-19

We appreciate your actions to date and your attention during this time. If you have any questions, contact Rachel Patterson at rpatterson@efa.org.

CC:

Senate Finance Committee Chairman Charles E. Grassley
Senate Finance Committee Ranking Member Ron Wyden
Senate HELP Committee Chairman Lamar Alexander
Senate HELP Committee Ranking Member Patty Murray
House Majority Leader Steny H. Hoyer
House Energy and Commerce Committee Chairman Frank Pallone, Jr.
House Energy and Commerce Committee Ranking Member Greg Walden
House Ways and Means Committee Chairman Richard E. Neal
House Ways and Means Committee Ranking Member Kevin Brady
Vice President Mike Pence
Secretary of Health and Human Services Alex Azar
Deborah Brix, White House Coronavirus Response Coordinator
CMS Administrator Seema Verma

Sincerely,