Congress of the United States
U.S. House of Representatives
COMMITTEE ON WAYS AND MEANS
1102 LONGWORTH HOUSE OFFICE BUILDING
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Washington, DC 20515–6348
http://waysandmeans.house.gov

March 6, 2014

The Honorable Kathleen Sebelius
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Marilyn Tavenner
Administrator
The Centers for Medicare & Medicaid Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius and Administrator Tavenner,

As Members of a primary Committee with jurisdiction over the Medicare Part D program, we write to express our disapproval and sincere disappointment over the proposed rule on Part D released last month. The proposals contained in the rule will have serious and direct negative effects on the Part D program and the seniors that rely on it. CMS' proposal will result in seniors not being able to keep the plans they have and like today, or see higher premiums and fewer benefits. It is with these concerns that we request CMS rescind the proposed rule.

Many of the changes in the proposal rely on the Agency's new unsettling interpretation of the 'non-interference' clause. This policy was carefully crafted by Congress and enshrined into statute to ensure that no government regulator could interfere with the development or delivery of the new prescription drug program. Yet, with this proposed rule, CMS is doing just that by interfering with successful negotiations in the Part D program. This change is unacceptable and very clearly not the intent of Congress.

The Part D program boasts a 90 percent approval rating from the nearly 35 million seniors across America that rely on the prescription drug coverage that it provides. This is a direct result of plans, prescription drug manufacturers, and pharmacies, large and small, working together to deliver a program that delivers high-quality prescription drug coverage at an affordable price.

Just last Friday, the Medicare Payment Advisory Commission (MedPAC) submitted comments on the rule agreeing that the proposed changes run counter to the nature of the successful competition-based program. MedPAC confirms that concerns about beneficiary access and disruptions could occur should the proposal go through as written.

The Part D program remains far below projections predicted by the Congressional Budget Office – nearly 40 percent lower since its inception -- and CMS' proposed rule would directly alter the program's ability to continue to do so.

While we find many of the policies in this proposal run counter to Congressional intent – we remain committed to working with you to improve the program to ensure seniors' access to affordable prescription drugs.

We ask again that you withdraw this proposed rule and seek strong bipartisan support for new ideas to protect seniors' access to a viable Part D program.

Sincerely,

DAVE CAMP
Chairman

KEVIN BRADY
Chairman
Subcommittee on Health

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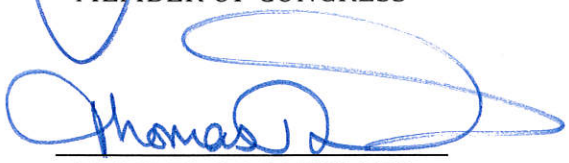

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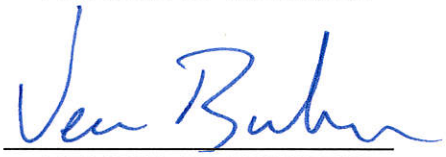

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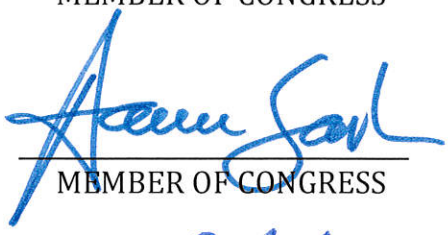

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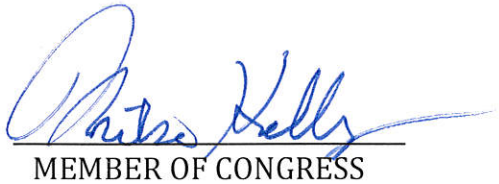

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