



October 25, 2023

The Honorable John Barrasso, M.D.
405 Hart Senate Office Building
U.S. Senate
Washington, D.C. 20510

The Honorable Michael Burgess, M.D.
2161 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Greg Murphy, M.D.
407 Cannon House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Senator Barrasso, Congressman Burgess, and Congressman Murphy:

The Part B Access for Seniors and Physicians (ASP) Coalition, representing over 300 patient and provider organizations across the country, applauds the introduction of the *Protecting Patient Access to Cancer and Complex Therapies Act of 2023*, which, if enacted, will address the untenable Part B payment cuts to healthcare providers included in the Inflation Reduction Act (IRA), and protect Medicare beneficiaries' access to lifesaving therapies. Physicians have seen a ratcheting down of reimbursements over the years, which has made it extremely difficult for them to continue providing high-quality, accessible, and affordable medical care to seniors; the additional Part B payment cuts through the IRA further threaten care delivery to Medicare beneficiaries. Your legislation would correctly hold physicians harmless from IRA drug price negotiations.

Medicare Part B provides drugs to close to 60 million seniors and disabled Americans, including those with cancer and other serious and complex conditions such as rheumatologic, autoimmune, and inflammatory conditions; those living with blinding eye diseases, Crohn's disease and ulcerative colitis, and other rare diseases; as well as those living with serious mental illness. Given the often life-threatening complexity of their health conditions, these patients require personalized and accessible medical care from their providers. Through Part B, physicians have access to a variety of treatment options for a wide range of health conditions, enabling them to provide the appropriate, life-saving care that their patients need.

Medicare beneficiaries receiving Part B covered drugs include some of the most vulnerable in the program. Physicians caring for these patients face an increasingly challenging reimbursement environment that will be made worse by the IRA, which is putting providers and their patients in the middle of drug price negotiations between the government and drug companies. Under the IRA, reimbursement for negotiated Part B drugs will no longer be based on "Average Sales Price" (ASP) but rather a new rate called the "Maximum Fair Price" (MFP). A recent study analyzing the potential range of reimbursement reductions in Part B found that add-on reimbursements could fall by as much as 47.2



percent.¹ This new mechanism does not account for the overhead costs associated with acquiring and administering drugs, placing all the financial risk on physicians. Additionally, it will be an administrative nightmare for medical practices to have two different reimbursement rates – ASP and MFP – that will also affect their commercial insurance contracts.

Prior to the passage of the IRA, the healthcare provider community warned that the cuts to add-on payments for Part B drugs included in the bill would place extreme pressure on practice viability. Nevertheless, lawmakers moved forward with the provision, knowing they would further exacerbate the reimbursement cuts that the Centers for Medicare & Medicaid Services (CMS) has been implementing for years now. Practices are closing, especially in rural areas, and consolidating into the more expensive hospital setting. This new round of IRA-induced reimbursement cuts will make a terrible situation even worse.

Our coalition is extremely grateful for your leadership in keeping providers whole throughout Medicare’s drug price negotiation process and shielding them from the IRA’s draconian payment cuts. We look forward to working with you on passage of the *Protecting Patient Access to Cancer and Complex Therapies Act of 2023* to protect patient access and quality care for Medicare beneficiaries.

Sincerely,

1 in 9: The Long Island Breast Cancer Action Coalition (Hewlett House)
ADAP Advocacy Association (aaa+)
AiArthritis - International Foundation for Autoimmune & Autoinflammatory Arthritis
Alliance for Patient Access (AfPA)
American Academy of Allergy, Asthma & Immunology (AAAAI)
American Academy of Ophthalmology
American College of Osteopathic Internists
American Society for Gastrointestinal Endoscopy
Arizona Bioindustry Association, Inc. (AZBio)
Arizona Myeloma Network (AzMN)
Association of Community Cancer Centers (ACCC)
Association of Women in Rheumatology (AWIR)
Biomarker Collaborative
Bladder Cancer Advocacy Network (BCAN)
California Hepatitis C Task Force
Cancer Support Community
Caregiver Action Network
Christian Council of Delmarva
Coalition of Hematology Oncology Practices (CHOP)

¹ Milena Sullivan Managing Director Amanda Tripp Associate Principal Ekemini Isaiiah Consultant II , et al. “Ira Medicare Part B Negotiation Shifts Financial Risk to Physicians.” *Avalere Health*, 29 Nov. 2022, <https://avalere.com/insights/ira-medicare-part-b-negotiation-shifts-financial-risk-to-physicians>.



Coalition of State Rheumatology Organizations (CSRO)
Color of Crohn's & Chronic Illness
Community Access National Network (CANN)
Community Oncology Alliance (COA)
Connecticut Rheumatology Association
Digestive Health Physicians Association (DHPA)
Exon 20 Group
Florida Society of Rheumatology
Healthcare Institute of New Jersey (HINJ)
ICAN - International Cancer Advocacy Network
Indiana Health Industry Forum (IHIF)
Infusion Providers Alliance
International Association of Hepatitis Task Forces (IAHTF)
Kentuckiana Stroke Association
Large Urology Group Practice Association (LUGPA)
Lupus and Allied Diseases Association, Inc.
Massachusetts, Maine & New Hampshire Rheumatology Association
Medical Oncology Association of Southern California, Inc. (MOASC)
MET Crusaders
Michigan Society of Hematology and Oncology (MSHO)
MidWest Rheumatology Association
Minnesota Independent Physicians Association
Mississippi Oncology Society
National Infusion Center Association (NICA)
National Organization of Rheumatology Management (NORM)
Neuropathy Action Foundation
New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA)
Oncology Managers of Florida
Oregon Rheumatology Alliance
PD-L1 Amplifieds
Rare Access Action Project
Regarding Cancer
Rheumatology Alliance of Louisiana (RAL)
Rheumatology Association of Minnesota and the Dakotas
Society of Gynecologic Nurse Oncologists
The US Oncology Network
Vets Place Northwest - Welcome Home
Wisconsin Rheumatology Association
Wyoming Epilepsy Association

CC: Speaker Mike Johnson
Leader Charles Schumer
Leader Hakeem Jeffries
Leader Mitch McConnell