

April 13, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
S-220, U.S. Capitol
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

As our nation grapples with the spread of the novel coronavirus, pharmacies have a critical role in helping patients manage their care, including those patients with chronic and complex conditions who are most vulnerable. America's pharmacists are among the nation's most accessible health care professionals, providing medication access and management as individuals shelter in place. Pharmacists and their employees are putting their health on the line to provide for medications and care for patients.

Pharmacies are facing unprecedented demand as they are considered essential providers during this emergency and as patients seek extended supplies of medication. Pharmacies are having to monitor for drug shortages and work with the supply chain to anticipate and proactively address any concerns. Our pharmacies are working round the clock to support patients and protect them from avoidable emergency room visits while our medical system is at maximum capacity. While pharmacists will continue to support their patients access and adherence to medication, we cannot forget that prior to the pandemic, the pharmacy community was already facing extreme financial strain. Many of our districts have seen a wave of pharmacy closures, with more than 2,000 community pharmacies lost over the last two years.¹ We cannot afford more closures as we grapple with a national pandemic and need to protect patient medication access.

Ensuring the viability of our nation's pharmacies has never been more important. As negotiations on the next aid package move forward, we respectfully request that you remove the barriers that threaten pharmacy financial stability and a pharmacy's ability to support patients. This can be achieved by enacting much needed pharmacy DIR clawback reform. Pharmacies report that DIR clawback fees continue to be assessed against them right now, even during this period of intense strain. CMS states that DIR fees grew by 45,000 percent between 2010 and 2017², and now, during this financial crisis in which pharmacies are already struggling, DIR fees threaten to cause more pharmacies to close their doors.

¹ <http://www.nacds.org/pdfs/government/2020/AdvocateLeaveBehinds.pdf>

² <https://www.govinfo.gov/content/pkg/FR-2018-11-30/pdf/2018-25945.pdf>

We must keep pharmacies open during this crisis.

Pharmacy DIR reform has strong bipartisan support in both the House and Senate. We ask for these reforms to be enacted now and hope that Members of Congress will not overlook the critical need to ensure the sustainability of pharmacies during this public health emergency.

We appreciate your consideration and look forward to working with you.

Sincerely,



Earl L. "Buddy" Carter
Member of Congress



Peter Welch
Member of Congress



Doug Collins
Member of Congress



Vicente Gonzalez
Member of Congress



John Rose
Member of Congress



Raja Krishnamoorthi
Member of Congress