



January 15, 2018

Seema Verma  
Administrator Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
PO Box 8013  
Baltimore, MD 21244-8013

***RE: CMS-4181-P Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-for-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program***

Dear Ms. Verma,

On behalf of EMHS member organizations including our community based pharmacy, Miller Drug, we appreciate the opportunity to provide comment on the request for information regarding the application of Manufacturer rebates and pharmacy price concessions to drug prices at the point of sale.

EMHS is a comprehensive statewide integrated healthcare delivery system serving Maine's most challenged rural populations and geographic regions. Our pharmacy affiliate, Miller Drug, serves as a community pharmacy aligned with our mission to partner with individuals and communities to improve health and well-being by providing high quality, cost effective services. We thank CMS for acknowledging the challenge that retroactive DIR fees present for community pharmacies. We are particularly challenged by the practice of pharmacy benefit managers (PBM's) recouping fees (DIR) post claims submission. The recoupment disrupts cash for our small pharmacy and the disruption is significant, projected to be \$100,000 per month in 2018.

We believe a current bill in Congress effectively addresses the DIR challenge. S 413/HR 1038 the "Improving Transparency and Accuracy in Medicare Part D Drug Spending Act" This bill would prohibit Medicare Prescription Drug Plan sponsors and pharmacy benefit managers from retroactively reducing payment on clean claims submitted by pharmacies. Adoption of this policy would then support changes to Medicare D policy to require that the cost of the drug sold to the patient at time of purchase include all DIR fees thus providing the beneficiary with lower out of pocket costs at the time of purchase.

Thank you for the opportunity to provide comment.

Sincerely,

Lisa Harvey-McPherson RN, MBA, MPPM  
EMHS Vice President Government Relations

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