**March 5, 2018**

**Via Electronic Submission**

Demetrios Kouzoukas

Principal Deputy Administrator and Director

Centers for Medicare and Medicaid Services

Department of Health and Human Services

7500 Security Boulevard

Baltimore, MD 21244-1850

**Attention: CMS-2017-0163**

**Advance Notice of Methodological Changes for Calendar Year (CY) 2019 for Medicare Advantage (MA) Capitation Rates, Part C and Part D Payment Policies and 2019 draft Call Letter**

Dear Director Kouzoukas:

Thank you for the opportunity to comment on the Advance Notice of Methodological Changes for Calendar Year (CY) 2019 for Medicare Advantage (MA) Capitation Rates, Part C and Part D Payment Policies and 2019 draft Call Letter.

The Independent Pharmacy Cooperative (IPC) represents the interests of pharmacist owners, managers, and employees of more than 2600 independent community pharmacies across the country. We commend CMS for addressing mail-order medication waste in the proposed 2019 CY Call letter IPC wishes to voice support for the following program changes:

**Part D Mail-Order Consent:**

Shipments of 90-day quantities of dangerous drugs has long been associated with medication waste.1 In addition, there have been many reported instances of dangerous drugs being left in mail boxes subjected to humidity and temperature fluctuations.2 Limited, if any, security measures are in place preventing access to these dangerous medications by children and other individuals. Directly related to these mail-order concerns is the Prescription Drug Plans (PDPs) use of patient health information to automatically enroll patients to receive mail-order drugs from a pharmacy in which they have a financial interest. This practice of “slamming” patients should be prohibited in the Medicare Part D Program. IPC would also support modifying the current annual beneficiary confirmation to continue automatic deliveries to be more frequent, such as bi-annual and with an opt-in on a per drug basis.

**Opioid Abuse and Diversion Prevention**

IPC supports the goal in the proposed CY 2019 Call Letter to improve drug utilization controls for opioids. An important risk that CMS needs to address in the Final CY 2019 Call Letter is the shipment of 90 day quantities of control medications via mail. Current Drug Enforcement Agency (DEA) policies allow for scheduled II controlled substances to have 90 day quantity limit. For CMS to allow Part D scheduled II prescriptions to be filled in full 90 day quantities and dispensed by mail-order pharmacies provides for a significant diversion and misuse risk. Consistent with our comments to CMS on the proposed Part D rule, the Part D CY 2019 Final Call Letter should prohibit PDP contracts from allowing a 90 day supply of any controlled prescriptions to be filled and dispensed through the mail.

***Conclusion:***

The CMS proposal to address waste in the Medicare Part D program is commendable. IPC encourages CMS to implement changes in the final CY 2019 Call Letter that would provide protections from ongoing mail-order medication waste and the improper use of patient health information.

Thank you for your consideration of IPC’s written comments on the proposed Medicare Part D CY 2019 proposed Call Letter. If you have any questions or need any additional information, please feel free to contact me by either email ([mark.kinney@ipcrx.com](mailto:mark.kinney@ipcrx.com)) or by phone (608-628-7311).

Respectfully submitted,

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