

June 3, 2020

The Honorable Nancy Pelosi, Speaker
United States House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20515

The Honorable Kevin McCarthy, Leader
United States House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mitch McConnell, Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer, Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi and Leaders McConnell, McCarthy, and Schumer,

On behalf of the undersigned groups and the patients these groups represent, we are grateful for the collective actions you have taken to help patients, doctors, and the American people during the global COVID-19 pandemic.

To further protect patients, we are reaching out to request your support to temporarily prohibit prior authorization and step therapy requirements during the COVID-19 pandemic.

Prescription drug plans and pharmacy benefit managers often employ “prior authorization” (PA), “step therapy,” and other utilization controls in efforts to ensure that doctors and patients use “preferred” medications on plan formularies and constrain the ability to prescribe other medications without regard for a patient’s needs. When a physician-prescribed medication is subject to PA, the pharmacy cannot dispense the medication without (1) the physician completing additional documentation certifying that the prescribed medication is needed and (2) the plan authorizing the drug. The COVID-19 pandemic has disrupted the already overly-bureaucratic PA process, leaving many patients with delayed access, or none at all, to the medications they need.

Due to social distancing and many medical procedures being deemed non-urgent or non-essential, many physician practices across the country have not fully reopened their offices and/or have furloughed staff. These staff members are critical to the administrative aspects of prior authorization, and the process requires such staff to engage in traditional in-office communications (e.g., faxing and access to health records) that are now an immense challenge. In lieu of office staff, many patients and physicians are forced to call health plans to request authorization concerning specific treatments. Health plans are also short-staffed, which result in increased wait times for prior authorization or reviewers who are not well-versed in certain disease states. Physicians are now spending more time on the phone and less time with patients. Without access to outmoded forms of communication, such as fax machines, to submit and receive the requisite documentation for PA approval, patients are being left without timely access to the medications they need. This can potentially lead to flare-ups, relapses, disease progression, and additional hospitalizations, worsening the already severe medical crisis our country is facing.

To tackle this growing patient health crisis, we urge Congress to pass legislation that would suspend prior authorization requirements and utilization management tools until the COVID-19 pandemic ends and physician practices are able to return to normal operations. The legislation would be most effective if it suspended PA requirements across Medicare, Medicaid, commercial coverage and the VA drug benefit. To be clear, the legislation is not expected to result in increased cost or excessive utilization –

studies have demonstrated that 97% of prior authorization requests are granted when a physician submits the request. Rather, the legislation is needed because physicians and other providers are constrained in their ability to efficiently submit such requests due to the effects of the pandemic, which can result in significant delays for patients.

Ultimately, enacting such legislation will help patients and physicians overcome obstacles resulting from the COVID-19 pandemic by streamlining care and limiting the potentially devastating impact of delayed medical care.

Please feel free to reach out with any questions. We thank you in advance for your attention to this matter.

Sincerely,

Aimed Alliance
Alliance for Aging Research
American Autoimmune Related Diseases Association
American Liver Foundation
The Chronic Disease Coalition
Coalition of State Rheumatology Organizations
CURED Foundation
Digestive Health Physicians Association
Global Healthy Living Foundation
Global Liver Institute
HealthyWomen
International Foundation for Autoimmune & Autoinflammatory Arthritis
Lupus and Allied Diseases Association, Inc.
Mental Health America
National Adrenal Diseases Foundation
National Alliance on Mental Illness
National Association of State Mental Health Program Directors
National Council for Behavioral Healthcare
Patients Rising Now