

## **Medicare Stakeholders Call for Copay Assistance to Part D Beneficiaries in Response to the Pressures of the Pandemic**

August 19, 2020

Gregory Demske  
Chief Counsel to the Inspector General  
Office of the Inspector General  
U.S. Department of Health and Human Services  
330 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Demske:

On behalf of the undersigned organizations and over 45 million persons covered by Medicare Part D and their family caregivers, we urge you to rescind the current ban on the use of copay cards in the Medicare Part D program at least through the current Novel Coronavirus (COVID-19) pandemic. We believe this is an urgent step necessary to respond to the needs of Medicare beneficiaries during the ongoing public health emergency.

Medicare beneficiaries are struggling to pay their drug copayments now more than ever. Medicare does not limit how much patients must pay for their prescription medicines under Part D. The lack of an out-of-pocket cap is felt by Medicare beneficiaries now more than ever before, as beneficiaries and their families face the financial uncertainty caused by the COVID-19 pandemic.

We support the steps taken thus far by the HHS Office of Inspector General (OIG) in response to the unique circumstances brought on by the COVID-19 pandemic. In particular, OIG's announcement<sup>1</sup> that it will allow Federal health care program beneficiaries to use telehealth services during the outbreak will enable many Medicare beneficiaries to continue to receive necessary care from the safety of their homes. We request you to exercise similar authority to improve access for Part D beneficiaries.

We urge you to exercise the OIG's enforcement discretion and issue a policy statement announcing that, for the period of the public health emergency, penalties will not be imposed on healthcare providers and suppliers, including biopharmaceutical manufacturers, that offer patient support programs to subsidize Medicare Part D beneficiary out-of-pocket costs. Such a policy change would benefit Medicare Part D beneficiaries by facilitating access to and adherence with needed medicines. It would also improve beneficiaries' overall ability to manage critical and pressing health-related and household expenses.

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<sup>1</sup> See OIG, *OIG Policy Statement Regarding Physicians and Other Practitioners That Reduce or Waive Amounts Owed by Federal Health Care Program Beneficiaries for Telehealth Services During the 2019 Novel Coronavirus (COVID-19) Outbreak* (Mar. 17, 2020), <https://oig.hhs.gov/fraud/docs/alertsandbulletins/2020/policy-telehealth-2020.pdf>.

By improving access to necessary medications, we believe this important step will improve patient outcomes through better adherence to prescription regimens. During this time of great need and uncertainty, out-of-pocket cost subsidies can help to fill critical gaps and preserve access to care for millions of Medicare beneficiaries. For these reasons, we urge you to ease the current barrier to providing financial support. Thank you very much for your consideration of our request.

We would very much appreciate an opportunity to discuss our recommendations with OIG colleagues immediately following your review of this letter, and will assemble a representative groups of patient advocates for this conversation. For additional information, please contact any of the undersigned organizations or Carl Schmid at [cschmid@hivhep.org](mailto:cschmid@hivhep.org); Randall Rutta at [randallrutta@aarda.org](mailto:randallrutta@aarda.org); Grace Whiting at [grace@caregiving.org](mailto:grace@caregiving.org); Yanira Cruz at [ycruz@nhcoa.org](mailto:ycruz@nhcoa.org); or Pat Wildman at [wildman@lupus.org](mailto:wildman@lupus.org). Thank you for your consideration.

Sincerely,

ACCSES

Acromegaly Community, Inc

Advocacy & Awareness for Immune Disorders Association (AAIDA)

Advocates for Responsible Care

AIM at Melanoma

Aimed Alliance

Allergy & Asthma Network

Alliance for Patient Access

Allies for Independence

American Association of Clinical Urologists

American Autoimmune Related Diseases Association

American Behcet's Disease Association (ABDA)

American GI Forum Education Foundation of SM

American Kidney Fund

American Liver Foundation

American Society of Consultant Pharmacists (ASCP)

American Urological Association

Americans for Tax Reform

APS Foundation of America, Inc

Arizona Chronic Care Together

Arizona Medical Association

Arizona Pharmacy Association

Arizona Prostate Cancer Coalition, Inc.

Arizona United Rheumatology Alliance (AURA)

Asthma and Allergy Foundation of America

Axis Advocacy

Beyond Type 1

Born a Hero, Research Foundation

Brain Injury Alliance of Arizona

Brain Injury Association of America

Breast Cancer Resource Center  
Bridge the Gap - SYNGAP Education and Research Foundation  
California Access Coalition  
California Chronic Care Coalition  
California Hepatitis C Task Force  
Caregiver Action Network  
Caring Ambassadors Program  
Cascade AIDS Project  
Center for Medicine in the Public Interest  
Chronic Care Policy Alliance  
Chronic Disease Coalition  
Coalition of Texans with Disabilities  
Colorado Council Black Nurses Inc.  
Community Wellness Alliance  
Conquer Myasthenia Gravis  
Creating Patient Access Task Force  
Delaware Academy of Medicine and the Delaware Public Health Association  
Dia de la Mujer Latina. Inc.  
Dystonia Medical Research Foundation  
Easterseals  
Epilepsy Foundation -Oregon  
Familia Unida Living with MS  
FORCE: Facing Our Risk of Cancer Empowered\*  
Free Me From Lung Cancer  
GBS|CIDP Foundation International  
Global Healthy Living Foundation  
Global Liver Institute  
GO2 Foundation for Lung Cancer  
Hartford County Medical Association  
Healing Hearts of Central Ohio  
HealthHIV  
Healthy Women  
Hemophilia Association of the Capital Area  
Hemophilia Federation of America  
Hepatitis C Mentor and Support Group-HCMSG  
Hero House NW  
HIV + Hepatitis Policy Institute  
Human Rights Campaign  
ICAN, International Cancer Advocacy Network  
Idaho Society of Clinical Oncology  
International Association of Hepatitis Task Forces  
International Foundation for Autoimmune & Autoinflammatory Arthritis (AIArthritis)  
International Foundation for Gastrointestinal Disorders  
International Pain Foundation  
International Pemphigus Pemphigoid Foundation  
Interstitial Cystitis Association

Kidney CAN  
Latino Diabetes Association  
Leukemia Research Foundation  
Liver Coalition of San Diego  
Lupus and Allied Diseases Association, Inc.  
Lupus Foundation of America  
Lymphatic Education & Research Network  
Male Breast Cancer Coalition  
Massachusetts Independent Pharmacists Association  
Medical Society of Northern Virginia  
Men's Health Network  
Metastatic Breast Cancer Network  
METAvivor Research and Support Inc.  
MiOra Foundation  
Mountain Foundation for Education & Research in Lung Cancer  
NAACP  
NAMI Greater Cleveland  
NAMI Washington  
National Adrenal Diseases Foundation (NADF)  
National Alliance for Caregiving  
National Alliance of State Prostate Cancer Coalitions  
National Alliance on Mental Illness  
National Alliance on Mental Illness (NAMI) Texas  
National Alliance on Mental Illness (NAMI) Virginia  
National Alopecia Areata Foundation  
National Association of Hispanic Nurses  
National Association of Hispanic Nurses Houston  
National Black Nurses Association  
National Coalition for LGBT Health  
National Grange  
National Hispanic Council on Aging  
National Hispanic Medical Association  
National Infusion Center Association (NICA)  
National Pancreas Foundation  
NephCure Kidney International  
Neuropathy Action Foundation  
Nevada Chronic Care Collaborative  
NJ Rheumatology Association  
Ohio Bleeding Disorder Council  
Pacific Research Institute, Center for Medical Economics and Innovation  
Patient Advisor  
Patients Rising Now  
Prevent Cancer Foundation  
Project Sleep  
Prostate Conditions Education Council\*  
Pulmonary Hypertension Association

Rare New England  
Restless Legs Syndrome Foundation  
RetireSafe  
Rx in Reach GA Coalition  
Rx Partnership  
Schizophrenia and Related Disorders Alliance of America  
Scleroderma Foundation, Inc.  
SHARE Cancer Support for Women  
Sickle Cell Thalassemia Patients Network  
Sisters Network Inc.  
Sjogren's Foundation  
Spondylitis Association of America  
State of Texas Association of Rheumatologists  
Susan G. Komen  
Texas Rheumatology Care  
The Arizona Clinical Oncology Society  
The End-FLUenza Project  
The Life Raft Group  
The Mended Hearts  
The State of Black Arizona  
The Wall Las Memorias Project  
Tigerlily Foundation\*  
Triage Cancer  
US Hereditary Angioedema Association  
Us TOO International  
Utah AIDS Foundation  
Vasculitis Foundation  
Vets Place Northwest- Welcome Home  
Virginia Breast Cancer Foundation  
Virginia Hemophilia Foundation  
Virginia Society of Rheumatologists  
ZERO - The End of Prostate Cancer

\*Signed on since initial transmittal to the OIG on August 19, 2020

Cc: The Honorable Alex M. Azar, Secretary, HHS  
The Honorable Seema Verma, Administrator, CMS