



May 30, 2023

The Honorable Kevin McCarthy  
Speaker of the House of Representatives  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer  
Majority Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Hakeem Jeffries  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
Washington, D.C. 20510

Dear Speaker McCarthy, Leader Schumer, Leader Jeffries, and Leader McConnell:

The Part B Access for Seniors and Physicians (ASP) Coalition, representing over 300 patient and provider organizations across the country, is deeply concerned by continued payment cuts to providers' Medicare reimbursement. The ratcheting down of reimbursements over the years has made it extremely difficult for physicians to continue providing high-quality, accessible, and affordable medical care to Medicare seniors. Despite providers expressing dire concerns, Congress included untenable Part B payment cuts in the Inflation Reduction Act (IRA), further threatening care delivery to Medicare beneficiaries.

Part B provides drugs to close to 60 million seniors and disabled Americans, including those with cancer and other serious and complex conditions such as rheumatologic, autoimmune, and inflammatory conditions; those living with blinding eye diseases, Crohn's disease and ulcerative colitis, and rare diseases; as well as those living with serious mental illness. Given the often life-threatening complexity of their health conditions, they require personalized and accessible medical care from providers. Through Part B, physicians have access to a variety of treatment options for a wide range of health conditions, enabling them to provide the appropriate, life-saving care that their patients need.

Medicare beneficiaries receiving Part B covered drugs include some of the most vulnerable in the program. Physicians caring for these patients face an increasingly challenging reimbursement environment that will be made worse by the IRA putting providers in the middle of drug price negotiations between the government and drug companies. Reimbursement for negotiated Part B drugs will no longer be based on "Average Sales Price" (ASP), but rather a new rate called the "Maximum Fair Price" (MFP). A recent study analyzing the potential range of reimbursement reductions in Part B found that add-on reimbursements could fall by as much as 47.2 percent.<sup>1</sup> This new mechanism does not account for the overhead costs associated with acquiring and administering drugs, placing all of the financial risk on physicians. Additionally, it will be an administrative nightmare for medical practices to

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<sup>1</sup> Milena Sullivan Managing Director Amanda Tripp Associate Principal Ekemini Isaiiah Consultant II, et al. "Ira Medicare Part B Negotiation Shifts Financial Risk to Physicians." *Avalere Health*, 29 Nov. 2022, <https://avalere.com/insights/ira-medicare-part-b-negotiation-shifts-financial-risk-to-physicians>.



have two different reimbursement rates – ASP and MFP – that will also affect their commercial insurance contracts.

Prior to the passage of the IRA, the physician community warned that the cuts to add-on payments for Part B drugs included in the bill would place extreme pressure on practice viability. Nevertheless, lawmakers moved forward with the provision, knowing they would further exacerbate the reimbursement cuts that the Centers for Medicare & Medicaid Services (CMS) has been implementing for years now.

Our coalition is concerned that CMS is not taking into consideration how year after year of significant payment cuts are adversely impacting patient care, fueling their costs and those to Medicare. Practices are closing, especially in rural areas, and consolidating into the more expensive hospital setting. This new round of IRA-induced reimbursement cuts will make a terrible situation even worse.

We urge Congress to protect patient access and quality care for Medicare beneficiaries by keeping providers whole in Medicare’s drug price negotiation process and removing them from the middle of this negotiation process. Providers and their patients should not be hostages in this process being implemented by CMS.

Sincerely,

1in9: The Long Island Breast Cancer Action Coalition (Hewlett House)

ADAP Advocacy Association (aaa+)

Alliance for Patient Access (AfPA)

American Academy of Ophthalmology

American College of Osteopathic Internists

American College of Rheumatology

American Society for Gastrointestinal Endoscopy

American Society of Cataract and Refractive Surgery

American Urological Association

APS Foundation of America, Inc. (APSF)

Arizona Bioindustry Association, Inc. (AZBio)

Association for Clinical Oncology

Association of Community Cancer Centers (ACCC)

Association of Northern California Oncologists (ANCO)

Association of Women in Rheumatology (AWIR)

BioNJ

California Academy of Eye Physicians and Surgeons

Cancer Support Community

Christian Council of Delmarva

COA Patient Advocacy Network (CPAN)

Coalition of Hematology Oncology Practices (CHOP)

Coalition of State Rheumatology Organizations (CSRO)

Color of Crohn's & Chronic Illness

Community Access National Network (CANN)



Community Oncology Alliance (COA)  
Connecticut Rheumatology Association  
Digestive Health Physicians Association (DHPA)  
Epilepsy California  
Florida Society of Rheumatology  
Gilda's Club South Florida  
GO2 for Lung Cancer  
Healthcare Leadership Council  
ICAN - International Cancer Advocacy Network  
Industry University Research Center Inc. (INDUNIV)  
Infusion Providers Alliance  
International Foundation for Autoimmune & Autoinflammatory Arthritis (AiArthritis)  
International Pemphigus and Pemphigoid Foundation  
Large Urology Group Practice Association (LUGPA)  
Lupus and Allied Diseases Association, Inc.  
Lupus Foundation of Colorado  
Medical Oncology Association of Southern California, Inc. (MOASC)  
Michigan Biosciences Industry Association (MichBio)  
Minnesota Independent Physicians Association  
Mississippi Arthritis and Rheumatism Society (MSARS)  
Mississippi Oncology Society  
Mississippi Psychiatric Association  
National Infusion Center Association (NICA)  
National Organization of Rheumatology Managers (NORM)  
New Jersey Association of Mental Health and Addiction Agencies, Inc. (NJAMHAA)  
New Mexico Biotechnology & Biomedical Association (NMBio)  
Oncology Managers of Florida  
PlusInc.  
Regarding Cancer  
Rheumatology Alliance of Louisiana (RAL)  
Rheumatology Nurses Society  
Society of Gynecologic Nurse Oncologists  
The Headache and Migraine Policy Forum  
The Purple Iris Foundation  
The US Oncology Network  
U.S. Pain Foundation  
Vets Place Northwest - Welcome Home  
Washington (State) Rheumatology Alliance  
Wisconsin Rheumatology Association  
Wyoming Epilepsy Association

CC: Chiquita Brooks-LaSure, M.P.P  
Administrator, Centers for Medicare & Medicaid Services