MEDICARE RIGHTS CENTER

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March 11, 2011

The Honorable William Thornberry
United States House of Representatives
2209 Rayburn House Office Building
Washington, DC 20515-3812

The Honorable John Russell Carnahan
United States House of Representatives
1710 Longworth House Office Building
Washington, D.C. 20515-3812

Dear Congressman Thornberry and Congressman Carnahan:

On behalf of the Medicare Rights Center, a national nonprofit organization that helps older adults and people with disabilities access affordable quality health care, thank you for the re-introduction of the Part D Off-Label Prescription Parity Act. This bill will help people with Medicare better access safe and effective medications through the Medicare prescription drug benefit under the same coverage rules applied in other parts of the Medicare program.

From the very start of the Part D drug program in 2006, the Medicare Rights Center began to receive calls from consumers who were unable to access medically necessary prescriptions because Medicare would not cover drugs used for off-label indications if not listed in statutorily identified, privately owned and published drug guides. Even in cases where clinical evidence was available but had not yet been incorporated into these guides, also known as compendia, consumers were denied access to drugs that vastly improved their quality of life.

Currently, under Part B, Medicare allows coverage of drugs used off-label if the use is supported by peer-reviewed medical literature or if the use is included in a statutorily identified compendium. Furthermore, as a result of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), off-label drugs used to treat cancer may be covered under Part D using the Part B standard. However, those who suffer from conditions other than cancer are still without help. The result is dire for those who are unable to obtain coverage – some consumers are forced to put their financial stability at risk to pay out of pocket for the cost of drugs, and others forgo treatments altogether.

The Part D Off-Label Prescription Parity Act takes a balanced approach to keeping patients safe from improper prescribing while allowing access to the most up-to-date treatments available. Doctors routinely prescribe medications for uses other than those on the FDA label, according to their professional judgment and evidence

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in the medical literature. This legislation uses the existing Part D determination and appeals process to allow Medicare and Part D plans to examine the safety and efficacy of drugs on a case-by-case basis, consulting the most up-to-date evidence available in peer-reviewed medical literature to make coverage decisions. The bill increases treatment options for Medicare consumers and brings Part D rules in line with other parts of the Medicare program, including Part B and the Part D coverage standard for drugs used to treat cancer.

Congress must again take action to ensure that all people with Medicare, regardless of condition, are able to get the medications they need. Expanding access to critical treatments will help improve the quality of life for some of the sickest and most at-risk Medicare consumers. Thank you again for your efforts to help people with Medicare.

Sincerely,

Joe Baker
President