Massachusetts Prescription Drug Affordability Coalition

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Atrius Health

Greater Boston Interfaith Organization

Health Care For All

Health Law Advocates

Jewish Alliance for Law & Social Action

Massachusetts Association for Mental Health

Massachusetts Medical Society

Massachusetts Society for the Prevention of Cruelty to Children

Massachusetts Senior Action Council

MASSPIRG

Right Care Alliance

Lois Johnson, General Counsel
Health Policy Commission
50 Milk Street, 8th floor
Boston, MA 02109

December 20, 2019

*Submitted electronically via HPC-regulations@state.ma.us*

Dear General Counsel Johnson:

On behalf of the Massachusetts Prescription Drug Affordability Coalition, thank you for the opportunity to submit testimony on proposed regulation 958 CMR 12.00: Drug Pricing Review, promulgated pursuant to the authority of M.G.L. c. 6D, § 8A. The Massachusetts Prescription Drug Affordability Coalition includes groups that represent consumers, seniors, children, individuals with disabilities, faith-based groups, providers, unions, mental health organizations and health policy experts working together to lower the high cost of prescription drugs. We deeply appreciate the commitment of the Health Policy Commission (HPC) to address high drug costs for the MassHealth program. These provisions will save money for the state and taxpayers, while also protecting the 1.8 million residents who rely on the MassHealth program for their health care.

Overall, we strongly support the proposed regulation 958 CMR 12.00 and would like to highlight a number of provisions that we believe are particularly important in making prescription drugs more affordable.

In particular, we strongly support the following provisions that we believe are critical to provide incentives for drug manufacturers to engage in negotiations, while also ensuring accountability that the pharmaceutical industry is doing their fair share to address MassHealth costs:

- The requirement that once a drug is referred from EOHHS, HPC provides notice that the manufacturer must complete and file the Standard Reporting Form and must provide any additional information requested by HPC. 958 CMR 12.03
- The comprehensive categories of information that must be reported on the Standard Reporting Form. 958 CMR 12.04(3)
- The requirement that HPC requests information from other interested stakeholders, including, patients, providers, provider organizations, and payers, if HPC makes a determination that the drug's pricing is potentially unreasonable or excessive in relation to the value of the drug. 958 CMR 12.08(1)(d)
- The authority for HPC to conduct a public hearing if HPC makes a determination that the drug's pricing is potentially unreasonable or excessive in relation to the value of the drug. 958 CMR 12.08(1)(e)
- Following HPC's determination on whether the manufacturer's pricing of a drug is unreasonable or excessive in relation to HPC's proposed value, the requirement for HPC to post a notice on its website stating the name of the manufacturer and the drug reviewed, the HPC's proposed value for the drug and that the manufacturer's pricing of the drug is unreasonable or excessive in relation to HPC's proposed value. 958 CMR 12.08(4)

We believe these provisions are all essential to giving HPC the necessary tools to conduct a comprehensive and informed review process. The detailed information required on the Standard Reporting Form is necessary for the HPC to appropriately asses a drug's proposed value, while also ensuring that proprietary information is protected. In addition, the provisions around a public hearing and the authority to disclose if a manufacturer's pricing of the drug is unreasonable or excessive in relation to the HPC's proposed value are critical components of an accountability process that provides the right incentives and includes meaningful public engagement that ensures all impacted voices are heard.

We would welcome the opportunity to discuss these comments further with you. We look forward to working with you in implementing these critical new prescription drug provisions.

Please contact Alyssa Vangeli at avangeli@hcfama.org or 617-275-2922, or any of the undersigned organizations, if you have any questions or need any additional information.

Sincerely,

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