



December 3, 2010

The Honorable Tom Harkin
Chairman
Committee on Health Education Labor & Pensions
United States Senate
Washington, D.C. 20510

Dear Chairman Harkin,

The American College of Rheumatology supports legislative efforts that would ensure Medicare patients' access to all necessary biological therapies. Specifically, the ACR supports legislation that would provide manufacturers the authority to offer co-pay assistance toward true out-of-pocket (TrOOP) expenses for Medicare beneficiaries. Although patients with private insurance have access to direct co-pay assistance from manufacturers, it is currently not permitted under Medicare law. Without co-pay assistance in Medicare, the high cost of biologic therapies prevents access to care for these Medicare patients.

Medicare determines coverage of biologic treatments based on how it is administered. In-office, clinic or hospital infusions are covered under Medicare Part B. Self-administered biologics are covered under Medicare Part D. Biological drugs covered under Part D have high monthly out-of-pocket expenses which make these drug therapies unaffordable for many patients, especially those in rural areas. Efforts have been made to mitigate some of cost by closing the Medicare coverage gap, but costs will continue to rise and remain an issue for Medicare beneficiaries who require specialty drugs. Health care decisions should be made between the physician and the patient and based on safety, efficacy and health outcomes, not on financial barriers. Under current Medicare law, financial barriers prevent access to care.

The ACR supports patient access to high quality affordable health care. Early diagnosis and treatment for conditions such as rheumatoid arthritis, especially with the development of biological therapies, has greatly improved patient outcomes and allowed patients to maintain a good health-related quality of life. To ensure our patients have access to all therapies, the ACR supports policies that would allow manufacturers to financially assist Medicare patients through direct co-pay assistance.

I appreciate your consideration as you address gaps in the Medicare program and determine improvements to ensure Medicare beneficiaries have access to all necessary therapies.

If you have any immediate questions, please feel free to contact me or ACR Director of Government Affairs Aiken Hackett at (404) 633-3777.

Sincerely,

Timothy Laing, MD
Chair, Government Affairs Committee
American College of Rheumatology