



FOR IMMEDIATE RELEASE

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Part B Access for Seniors and Physicians (ASP) Coalition Expresses Concerns for H.R. 5376

On November 19, 2021, the House of Representatives passed the Build Back Better Act, H.R. 5376. The ASP Coalition is deeply concerned that certain drug price setting provisions in the bill affecting Medicare Part B covered drugs will harm beneficiaries with cancer and other serious and complex illnesses, such as rheumatologic, autoimmune, and inflammatory conditions. The legislation requires the Secretary of Health and Human Services to negotiate with drug manufacturers to establish a “maximum fair price” for certain Medicare Part B covered drugs. The bill then ties the government negotiation process to Medicare Part B provider payments – putting physicians and patients in the middle. The legislation would dramatically cut reimbursement to physicians and hospitals, limiting Medicare Part B reimbursement to providers to 106% of the negotiated maximum fair price. These drug pricing provisions in the Build Back Better Act will have a dramatically negative impact on the ability of physicians and other providers to continue to operate and provide essential, often life-saving, Medicare Part B treatments to our patients, severely threatening patient access to care.

The bill could also create incentives for future health care consolidation, which limits choices for beneficiaries and ultimately increases health care costs. We are particularly concerned about the impact of the bill on beneficiaries living in rural areas, who already face barriers to care that impact their health. Furthermore, we are troubled that the drug price setting policies in the Build Back Better Act will create disincentives for biosimilars, which are necessary to offer patients lower cost alternatives. The legislation could harm biosimilar development and follow-on research activities, which lead to additional indications, creating new treatments for patients with serious illnesses who face limited options.