



July 20, 2020

The Honorable Alex Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

The Part B Access for Seniors and Physicians (ASP) Coalition represents patient and provider groups dedicated to preserving patient access to Medicare Part B covered services. We urge the Department of Health and Human Services (HHS) and Centers for Medicare & Medicaid Services (CMS) to restore unfettered access to Medicare Part B covered drugs for beneficiaries enrolled in Medicare Advantage (MA) plans. MA plans have been using prior authorization restrictions as a barrier to timely delivery of essential Medicare Part B covered drugs to beneficiaries, putting the health of these patients at risk. MA plans are required by law to cover the same services as fee-for-service (FFS) Medicare – plans should not be permitted to use prior authorization to circumvent this requirement.

We appreciate the Administrator’s comments in February emphasizing that “tackling prior authorization,” is “particularly important,” as CMS expands burden reduction efforts across all programs. Clear direction to MA plans that they cannot use prior authorization for Medicare Part B covered services would go a long way to tackling prior authorization and removing burdens that harm patients and providers.

Over 59 million seniors and disabled persons rely on Medicare Part B for critical outpatient services. Through the program, beneficiaries and physicians treat a wide variety of illnesses and chronic conditions that demand careful monitoring and management, including cancer, rheumatoid arthritis, Crohn’s and other autoimmune conditions, mental illness, eye diseases, and other serious medical conditions. The patients served under Part B are some of the sickest and most vulnerable of Medicare beneficiaries, requiring personalized care.

The complexities of these conditions and how they interact with patients’ existing health concerns requires a level of flexibility in how physicians approach treatment. This flexibility is being denied to over one-third of Medicare beneficiaries enrolled in MA plans. According to the Kaiser Family Foundation, 98% of MA plans impose prior authorization on Medicare Part B covered drugs. Prior authorization barriers create obstacles in the ability of vulnerable seniors and disabled beneficiaries to access medicines, resulting in treatment delays that can have deadly consequences. Providers face additional administrative burdens, complicating their ability to precisely tailor and adjust treatments to provide clinically appropriate medical care.

Delays or inappropriate changes in treatment from burdensome utilization management requirements could have serious, negative consequences for patients who rely on the access and coverage provided by the Medicare Part B program. Disruptions in care could also lead to higher overall health care costs in the future, as once managed or treatable conditions accelerate without proper treatment.

An HHS Office of Inspector General (OIG) 2018 study validates our concerns. The OIG found that MA plans overturned 75 percent of their own denials from 2014-2016, while independent reviewers subsequently overturned additional denials in favor of beneficiaries and providers. The OIG cautioned that “the high number of overturned denials raises concerns that some Medicare Advantage beneficiaries and providers were initially denied services and payments that should have been provided.” Further, the OIG warned that MA plans “that inappropriately deny the authorization of services for beneficiaries, or payments to healthcare providers who care for beneficiaries, may not only contribute to physical or financial harm, but they also misuse Medicare Program dollars that CMS pays for beneficiary healthcare.” Moreover, MA plans have waived prior authorization requirements for COVID-19-related services – the need to waive these requirements demonstrates that prior authorization clearly serves to limit patient access to medically necessary treatment.

HHS and CMS action is needed to ensure MA enrollees have the same access to Medicare Part B-covered drugs as beneficiaries in FFS Medicare. We look forward to working with you to rein in MA plans that are inappropriately using prior authorization to deny care to beneficiaries.

Sincerely,

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

Aimed Alliance

Alabama Cancer Congress

Alabama Society for the Rheumatic Diseases

Alaska Rheumatology Alliance

Alliance for Patient Access (AfPA)

Alliance of Specialty Medicine

ALS Association Greater Philadelphia Chapter

American Academy of Dermatology Association

American Academy of Neurology

American Academy of Ophthalmology

American Association for Pediatric Ophthalmology and Strabismus (AAPOS)

American Association of Neurological Surgeons

American Autoimmune Related Diseases Association (AARDA)

American Behcet's Disease Association (ABDA)

American College of Rheumatology

American Gastroenterological Association

American Glaucoma Society

American Osteopathic Colleges of Ophthalmology and Otolaryngology – Head and Neck Surgery (AOCOO-HNS)

American Society for Gastrointestinal Endoscopy

American Society for Radiation Oncology

American Society of Cataract and Refractive Surgery

American Society of Hematology

American Society of Ophthalmic Plastic and Reconstructive Surgery

American Urological Association

APS Foundation of America, Inc. (APSFA)

Arizona Bioindustry Association, Inc. (AZBio)

Arizona Ophthalmological Society

Arkansas Ophthalmological Society

Arkansas Rheumatology Association
Arthritis Foundation
Association for Clinical Oncology
Association for Research in Vision and Ophthalmology (ARVO)
Association of Black Cardiologists
Association of Northern California Oncologists (ANCO)
Association of University Professors of Ophthalmology
Association of Women in Rheumatology (AWIR)
Axis Advocacy
BioNJ
BioUtah
Brain Injury Association of Delaware
California Academy of Eye Physicians and Surgeons
California Chronic Care Coalition
California Hepatitis C Task Force
California Life Sciences Association (CLSA)
California Rheumatology Alliance (CRA)
CancerCare
Caregiver Action Network
Caring Ambassadors Program
Christian Council of Delmarva
Chronic Care Policy Alliance
COA Patient Advocacy Network (CPAN)
Coalition of Hematology Oncology Practices (CHOP)
Coalition of State Rheumatology Organizations (CSRO)
Colorado Gerontological Society
Colorado Rheumatology Association
Colorado Society of Eye Physicians and Surgeons (CSEPS)
Colorectal Cancer Alliance
Community Oncology Alliance (COA)
Community Oncology Pharmacy Association (COPA)
Congress of Neurological Surgeons
Connecticut Rheumatology Association
Connecticut Society of Eye Physicians
Conquer Myasthenia Gravis
Cornea Society
CURED NFP
Danio Connect
Debbie's Dream Foundation: Curing Stomach Cancer
Delaware Academy of Ophthalmology
Digestive Health Physicians Association (DHPA)
Embracing Latina Leadership Alliances (ELLAS)
Eye and Contact Lens Association
Florida Society of Clinical Oncology (FLASCO)
Florida Society of Ophthalmology
Florida Society of Rheumatology
Georgia Society of Ophthalmology
Georgia Society of Rheumatology

Global Healthy Living Foundation
GO2 Foundation for Lung Cancer
Hawaii Ophthalmological Society
Heart Rhythm Society
ICAN - International Cancer Advocacy Network
Idaho Society of Ophthalmology
IFAA - International Foundation for Autoimmune & Autoinflammatory Arthritis (AiArthritis)
IJCAHPO
Illinois Society of Eye Physicians & Surgeons (ISEPS)
Indiana Academy of Ophthalmology (IAO)
Indiana Health Industry Forum (IHIF)
International Association of Hepatitis Task Forces (IAHTF)
International Pemphigus and Pemphigoid Foundation
ION Solutions
Iowa Academy of Ophthalmology
Kansas Society of Eye Physicians & Surgeons (KSEPS)
Kentuckiana Stroke Association
Kentucky Academy of Eye Physicians & Surgeons
Large Urology Group Practice Association (LUGPA)
Louisiana Academy of Eye Physicians and Surgeons
Lupus and Allied Diseases Association, Inc.
Lupus Foundation of America
Lupus Foundation of Arkansas, Inc.
Maryland Society for the Rheumatic Diseases (MSRD)
Maryland Society of Eye Physicians and Surgeons
Massachusetts Society of Eye Physicians and Surgeons (MSEPS)
Massachusetts, Maine & New Hampshire Rheumatology Association
Medical Oncology Association of Southern California, Inc. (MOASC)
Michigan Society of Eye Physicians and Surgeons (MiSEPS)
Michigan Society of Hematology and Oncology (MSHO)
MidWest Rheumatology Association
Minnesota Academy of Ophthalmology
Mississippi Academy of Eye Physicians and Surgeons
Mississippi Arthritis and Rheumatism Society (MSARS)
Mississippi Oncology Society
Missouri Society of Eye Physicians & Surgeons (MoSEPS)
MLD Foundation
Montana Academy of Ophthalmology
Montana Bioscience Association
Multiple Sclerosis Foundation
National Alliance on Mental Illness (NAMI) Rockland
National Infusion Center Association (NICA)
National Medical Association - Ophthalmology Section
National Organization of Rheumatology Managers (NORM)
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Rheumatology Society
Nevada Academy of Ophthalmology
New Jersey Mayors Committee on Life Sciences

New Jersey Rheumatology Association (NJRA)
New Mexico Academy of Ophthalmology
New Mexico Osteopathic Medical Association
New York State Ophthalmological Society
New York State Rheumatology Society
North American Neuro-Ophthalmology Society (NANOS)
North Carolina Rheumatology Association (NCRA)
North Carolina Society of Eye Physicians and Surgeons (NCSEPS)
North Dakota Society of Eye Physicians and Surgeons
Ohio Association of Rheumatology
Ohio Hematology Oncology Society
Ohio Ophthalmological Society (OOS)
Oklahoma Academy of Ophthalmology
Oncology Managers of Florida
Outpatient Ophthalmic Surgery Society
Patients Rising Now
Pennsylvania Academy of Ophthalmology
Physicians Advocacy Institute
Prevent Blindness
Prevent Blindness, Ohio Affiliate
Puerto Rico Society of Ophthalmology
Regarding Cancer
Rheumatology Alliance of Louisiana (RAL)
Rheumatology Association of Minnesota and the Dakotas
Rheumatology Association of Nevada
Rhode Island Society of Eye Physicians and Surgeons
Sickle Cell Disease Association of Florida
South Carolina Rheumatism Society
South Dakota Academy of Ophthalmology
South Florida Cancer Association
State of Texas Association of Rheumatologists (STAR)
Support For People With Oral And Head And Neck Cancer, Inc. (SPOHNC)
Survivors Cancer Action Network
Tennessee Academy of Ophthalmology
Tennessee Rheumatology Society
Texas Ophthalmological Association
The Macula Society
The Retina Society
The US Oncology Network
U.S. Pain Foundation
United Ostomy Associations of America (UOAA)
Utah Ophthalmology Society
Vermont Ophthalmological Society
Vets Place Northwest - Welcome Home
Virginia Society of Eye Physicians and Surgeons
Virginia Society of Rheumatologists
Washington (State) Rheumatology Alliance
Washington Academy of Eye Physicians and Surgeons

Washington DC Metropolitan Ophthalmological Society
West Virginia Academy of Eye Physicians & Surgeons
Women in Ophthalmology
Wyoming Epilepsy Association
Wyoming Ophthalmological Society

Cc: Honorable Mitch McConnell, Senate Majority Leader

Honorable Charles Schumer, Senate Minority Leader

Honorable Nancy Pelosi, Speaker of the House of Representatives

Honorable Kevin McCarthy, House Minority Leader

Honorable Chuck Grassley, Chairman, Senate Finance Committee

Honorable Ron Wyden, Ranking Member, Senate Finance Committee

Honorable Richard Neal, Chairman, House Committee on Ways and Means

Honorable Kevin Brady, Ranking Member, House Committee on Ways and Means

Honorable Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce

Honorable Greg Walden, Ranking Member, House Committee on Energy and Commerce