



Pharmacy DIR Proposed Rule

History:

- October 27, Chairman Wyden writes letter to CMS asking to Fix DIR.
- November 19, 2021, the House of Representatives passed H.R. 5376, the Build Back Better Act (BBBA)
- December 9, 2021, NCPA announces “Melt the Phones” initiative encouraging grassroots calls to the Senators to “add language to the Build Back Better Bill to fix DIR once and for all...”
 - Because of cost and Byrd Rule implications, this ask was unlikely to be successful.
- December 14, 2021, CMS writes Chairman Wyden announcing the plan to issue a “proposed rulemaking addressing price Concessions and DIR.”
- January 6, 2022, CMS issues the CY Medicare Advantage and Part D Proposed Rule, including DIR reform



Tactical Plan – Research and Regulatory

Regulatory

- Reviewing public comments for industry allies
 - Delay to 2024
 - Upholding value-based pharmacy care
 - Premium effects outweigh cost-sharing savings
- Staff level outreach to show risk of "Healthcare.gov 2.0"

Research

- Continue drilling down on patient adherence trends

Tactical Plan - Outreach

- Phase I (Jan –Mar. 15)
 - Objectives:
 - Keep members off of NCPA supported sign on letter
 - Targets:
 - Members who have signed previous DIR letters
 - Results:
 - 26% reduction of signers from 2020 House letter
- Phase II (Mar. 16 –Final rule release)
 - Objective:
 - Congressional outreach to urge the Administration to delay the enactment date
 - Targets:
 - Review Comment for alignment on timing
 - Continued CMS Engagement
 - Frontline House and in-cycle Senate Democrats
 - Direct Engagement
 - Grassroots Engagement
 - Results:
 - ?

Tactical Plan: Topline Message

- We are encouraging elected leaders to call the White House and CMS to ask them to **change the effective date of the CMS Part D Pharmacy DIR rule change from plan year 2023 to plan year 2024.**
- A one-year delay takes the political sensitivities of raising premiums in an election year off the table and will allow more time for the Part D plans to mitigate beneficiary disruption.