

NCPA Advocacy: Getting results that matter for community pharmacy during the national COVID-19 pandemic.



Community pharmacies are doing their part to keep their patients healthy during this national crisis and NCPA's Advocacy Center has worked tirelessly to achieve legislative and regulatory wins at both the federal and state levels to aid you so you can continue to serve your patients.

FEDERAL LEGISLATIVE WINS:

- **Successfully advocated for the Paycheck Protection Program** contained in the *Coronavirus Aid, Relief and Economic Security (CARES) Act*, which allows community pharmacies with fewer than 500 employees who maintain their payroll to receive 100 percent federally guaranteed cash-flow assistance loans.
- **Successfully advocated for small business provisions of the CARES Act** to restore the ability of small business community pharmacies to carryback any net operating losses against previous year tax payments.
- **Supported provisions of the CARES Act that allow patients to use health savings account (HSA) or flexible spending account (FSA)** for over the counter (OTC) medications and menstrual products. NCPA created signage for in-pharmacy use to alert patients to this change.
- **Hosted a webinar** featuring accounting experts, Ollin and Scotty Sykes of Sykes and Co., P.A. to break down the *CARES Act* and outline specific actions NCPA members can take as business owners to take advantage of the resources available. The webinar took place the day before the PPP began taking applications- making sure NCPA members were prepared to engage.
- **Successfully advocated for the Paycheck Protection Program and Health Care Enhancement Act.** The bill provides an additional \$310 billion for the Paycheck Protection Program, \$50 billion for the Disaster Loans Program Account, \$75 billion for reimbursements to health care providers to support COVID-19-related expenses and lost revenue, and \$25 billion for necessary expenses related to COVID-19 tests.

FEDERAL REGULATORY WINS:

- **Helped secure guidance from HHS authorizing pharmacists to order and administer COVID-19 tests**, including serology tests that the FDA has authorized.
- **Secured the inclusion of pharmacists in the Department of Labor's definition of health care provider** as it pertains to the *Families First Coronavirus Response Act*. This exempts community pharmacies from the expanded sick and family leave provisions contained in the bill.
- **Successfully advocated that CMS temporarily waive** Part D medication delivery documentation and signature log requirements during the public health emergency and adopt a temporary policy suspending plan-coordinated pharmacy audits.
- **NCPA also successfully advocated with CMS** for community and LTC pharmacies regarding relaxing prior authorization, point-of-sale edits, and short-cycle dispensing requirements.
- **Secured supplemental guidance from FDA** for preparing and distributing hand sanitizer products. FDA further stated that it will not take action against firms that prepare alcohol-based hand sanitizers for consumer use and for use as health care personnel hand rubs for the duration of the public health emergency.
- **Successfully advocated to FDA for guidance** allowing pharmacists to provide urgently needed compounded products as certain prescription drug products are at risk for shortage during the current COVID-19 crisis.
- **In response to NCPA advocacy efforts, CMS has provided a template** for states to request an 1135 waiver to amend their state Medicaid plans to battle the disease, including an adjustment to the professional dispensing fee for prescription home delivery.

Independent pharmacies are a patient safety net

“According to data analyzed by NCPA, **there are 14,866 ZIP codes in the United States with at least one pharmacy.** In 3,057 of those, or **roughly 21 percent, the only pharmacies are independently owned pharmacies,** underscoring the fact community pharmacies are a patient safety net for their communities both in normal times and during a national emergency.”

— *B. Douglas Hoey, Pharmacist, MBA, NCPA CEO*
April, 2020

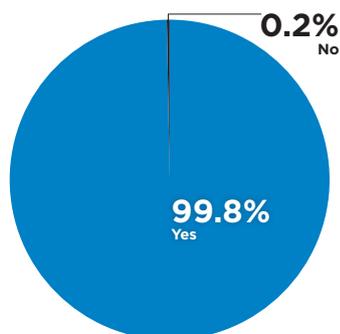
FEDERAL REGULATORY WINS CONTINUED:

- **The Cybersecurity and Critical Infrastructure Agency (CISA) included pharmacists** in its guidance on defining essential critical infrastructure workers during the COVID-19 emergency.
- **Joint guidance issued by CMS, the DOL and Treasury Department directs** private health insurers and group health plans to cover COVID-19 diagnostic and antibody testing administered during a medical office visit.
- **In response to NCPA advocacy efforts,** HHS issued guidance that it does not require and will not audit for patient signatures as proof of delivery for any medications, including for controlled substances.

NCPA is currently pushing for a provision in the next COVID-19 emergency package that would protect essential businesses, such as pharmacies, from unnecessary litigation resulting from the emergency.

A recent survey of members found that a staggering 99.8 percent support such a provision, and nearly two-thirds are personally concerned about their businesses being dragged into court.

Do you think Congress should pass “Good Samaritan” legislation that would protect essential businesses, such as pharmacies, from COVID-19 lawsuits?



STATE WINS:

- **NCPA created model language** addressing pharmacy audits and pharmacy access and reimbursements for use in Executive Orders or other state regulatory orders to address these issues.
- **Several states have issued emergency orders governing PBM practices.** The orders include such directives as requiring PBMs to waive signature requirements, suspend pharmacy audits, cease mandatory mail-order requirements, and make it easier for patients to obtain 90-day fills and early refills. States issuing orders include Alaska, Arkansas, Connecticut, Delaware, Florida, Kentucky, Louisiana, Massachusetts, Ohio, Oklahoma, Texas, Vermont, and West Virginia.
- **State governments have aligned with HHS guidance** to remove unnecessary restrictions via executive orders, waivers, or rules allowing pharmacists to order and administer COVID-19 testing. These states include Alabama, Alaska, Connecticut, Florida, Illinois, Kentucky, Louisiana, Maine, Minnesota, Missouri, Nevada, New York, North Dakota, Ohio, Pennsylvania, and Virginia.
- **CMS issued guidance to states allowing for delivery fees for Medicaid prescriptions** in response to President Trump’s national emergency declaration. NCPA and CPESN[®] created a delivery fee package, including recommendations for covered services, delivery fees and coding, to assist our state partners. Missouri, Massachusetts, and North Carolina have all had delivery fees approved for their respective Medicaid programs.
- **States have moved to grant pharmacists civil immunity** from COVID-19 related lawsuits. These include Arizona, Connecticut, Illinois, and New Jersey.