

December 13, 2021

Chairman Governor Asa Hutchinson  
Vice-Chairman Governor Phil Murphy  
The National Governors Association (NGA)  
444 North Capitol Street, Suite 267  
Washington, D.C. 20001

**RE: Action Needed from State Governors to Ensure Patients Have Access to Lifesaving COVID-19 Oral Therapeutics**

Dear Chairman Hutchison and Vice-Chairman Murphy:

Our nation's pharmacists write today to seek your immediate assistance to ensure that patients across the country have reliable, timely, and ready access to forthcoming COVID-19 oral antivirals at their local pharmacies. Ninety percent of Americans live within five miles of a pharmacy, making them the most viable access point for patients to receive these medications. In addition, the neighborhood pharmacy in rural and underserved communities may be the only health care provider for miles.

We are extremely concerned that the Centers for Medicare and Medicaid Services' (CMS) recent [guidance](#) will keep these lifesaving medications out of the hands of many of our patients and we need your leadership and immediate assistance.

Pharmacists have received specific [authorization](#) from the U.S. Department of Health and Human Services (HHS) to order/prescribe and administer FDA-authorized or approved COVID-19 therapeutics, including the oral antivirals that will be authorized very shortly. In addition, the federal government has also made a significant investment and will cover the product costs of these medications that will be distributed to your states.

Fortunately, these drugs will be available to patients in all states at no cost for the drug product. Unfortunately, there is no guaranteed payment for the significant patient care services and time that pharmacists will need to take with patients related to COVID-19 oral antivirals. This includes pharmacist clinical services associated with administering a test or reviewing test results, patient assessment for indications and contraindications, ordering/prescribing, and counseling the patient, in addition to dispensing. CMS' guidance only encourages, but does not require, Medicare Part D plans to pay dispensing fees to pharmacists for oral COVID-19 antiviral drugs and fails to recognize the associated pharmacist clinical services. As a result, there is no payment pathway for pharmacists or pharmacies for these services. This is a concern because Medicaid and commercial plans often follow Medicare payment policies and we do not want CMS' failure to act to hinder Medicaid patients access to medications that could save their lives.

Throughout the pandemic pharmacists have been on the front-line providing testing, vaccinations, and accessible patient care in communities across the country. Although pharmacists and pharmacies welcome the opportunity to provide one-stop, timely COVID-19 test and treat services, having a sustainable and reliable business model to provide this care is essential. Time is of the essence, and having a streamlined path is vital as a patient must begin medication regimens within 3-5 days of the identification of a COVID-19 infection to ensure these medications are effective.

**We need state Governors to act to ensure patients can receive oral antivirals at their local pharmacies.**

We urge Governors to do the following:

- Use the full executive authority under their state laws to provide an emergency payment pathway for pharmacist clinical services and dispensing fees for Medicaid and privately insured patients; and
- Reach out to the Biden Administration, including HHS and CMS, to request payment for the optimization of access to one-stop services at local pharmacies for COVID-19 testing, patient assessment and dispensing of COVID-19 oral antivirals at their local pharmacy to get this medicine into these patients as soon as possible.

Both the federal and state governments have made it clear we need all-hands-on-deck to defeat COVID-19 and advance health equity by authorizing pharmacists to order and administer oral antivirals. Without hesitation, throughout the pandemic, our nation's frontline pharmacists have met the public health needs of our patients. We need Governors and state Medicaid programs to step up and fill the gap to help save patients' lives.

We are hoping that NGA can help us with outreach to governors. We would be happy to meet with you to discuss this issue to maximize the use of pharmacists across the country and guarantee access to these lifesaving oral COVID-19 therapeutics to defeat COVID-19.

Thank you.

Sincerely,

American Pharmacists Association (APhA)  
American Association of Colleges of Pharmacy (AACCP)  
American College of Apothecaries (ACA)  
American Society of Consultant Pharmacists (ASCP)  
American Society of Health-System Pharmacists (ASHP)  
National Alliance of State Pharmacy Associations (NASPA)  
National Community Pharmacists Association (NCPA)