NCPA’s Legislative Agenda: Pro-Patient, Pro-Pharmacist

- **Provide Greater PBM Enforcement Authorities:** S. 4293, the Pharmacy Benefit Manager Transparency Act of 2022 empowers the Federal Trade Commission (FTC) to increase drug pricing transparency and hold pharmacy benefit managers (PBMs) accountable for unfair and deceptive practices that drive up the costs of prescription drugs at the expense of consumers. The legislation bans deceptive unfair pricing schemes; prohibits arbitrary claw backs of payments made to pharmacies; holds PBMs accountable for unfair and deceptive practices that drive up the costs of prescription drugs at the expense of consumers; and require PBMs to report to the FTC how much money they make through spread pricing and pharmacy fees. Finally, it gives the FTC and state attorneys general the ability to penalize and/or initiate legal action against PBMs, for these prohibited practices, in the commercial health insurance market.

- **Prohibit spread pricing in Medicaid managed care:** H.R. 6101, the Drug Price Transparency in Medicaid Act, would prohibit spread pricing and require the implementation of a “pass-through” pharmacy reimbursement model in taxpayer-funded Medicaid managed care programs. Legislation would require pharmacy reimbursements based on a transparent benchmark, the National Average Drug Acquisition Cost (NADAC), and a commensurate dispensing fee like those in Medicaid fee for service programs. Under a pass-through pricing model, PBMs are paid an administrative fee, which is the only source of revenue under the contract, thus avoiding any costly PBM spread. The Congressional Budget Office (CBO) has estimated this reform would save $1 billion over 10 years.

- **Medicare payment for enhanced pharmacist services:** Independent pharmacies have played a large role at both the federal and state levels in testing for COVID-19 and administering COVID-19 vaccines to those in their communities and in long-term care facilities, among other offerings. Congress should ensure that the U.S. Department of Health and Human Services (HHS) extends the authorities granted by the PREP Act declaration for pharmacists, technicians, and interns. Congress should enact H.R. 7213, the Equitable Community Access to Pharmacist Services Act which would allow patients to continue to access COVID-19 pandemic and pandemic related health services from pharmacists.