

## Drugmakers Out to Slip Change to Medicare Into Opioid Bill: Dems

By Shira Stein

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- Drugmakers are lobbying Congress to make changes to provision that requires them to close Medicare Part D coverage gap
- House Speaker Paul Ryan said to not be interested in adding these changes to opioid package

A proposal by drugmakers to change the Medicare drug plan as part of negotiations over a compromise opioids package would increase premiums for seniors, Democrats and health-care advocates say.

The Pharmaceutical Research and Manufacturers of America has reportedly been pushing Congress to attach last-minute legislative language to the opioid bill that would reduce drugmakers' contributions to close the Medicare Part D coverage gap, known as the doughnut hole, by \$4 billion.

Drugmakers became accountable for 70 percent of Medicare drugs in the coverage gap, rather than 50 percent, under changes made in the Bipartisan Budget Act of 2018 in a rare loss for the leading industry group for brand drug companies. Since then, drugmakers have pushed Congress to undo those changes.

"PhRMA clearly is using its political clout to put ... its companies ahead of the people who the opioid bill is designed to help," David Mitchell, president and founder of advocacy group Patients for Affordable Drugs, told Bloomberg Law.

A health industry lobbyist told Bloomberg Law that House Speaker Paul Ryan (R-Wis.) doesn't want to add these measures to the opioid bill, but "you can't count out PhRMA" because of their heavy lobbying power, Mitchell said.

PhRMA said the changes would "reduce out-of-pocket costs for seniors with high drug spending more than the original BBA changes, leaving them better off and, in 2020, saving them up to 7 percent on their out-of-pocket costs."

### Opposition

Democrats in both the House and Senate have stated their opposition to reversing the budget act changes via the overwhelmingly bipartisan opioid package, which passed 99-1 in the Senate and 396-14 in the House.

“This handout to price-gouging pharmaceutical manufacturers will increase premiums on seniors in Medicare and do nothing to lower the cost of their drugs at the pharmacy counter,” Sen. Ron Wyden (D-Ore.) said in a statement.

“Big Pharma’s latest shenanigan is to hitch a ride on legislation focused on opioid addiction to roll back this important patient victory. Unable to defend their heist on its merits, Big Pharma’s [hoard] of lobbyists has apparently won Republican support for attaching it to a modest opioid proposal,” Rep. Lloyd Doggett (D-Texas) said in an emailed statement.

Advocates are concerned this change would hurt seniors and taxpayers.

“At a time when seniors are struggling to afford high drug prices, we need to be doing more, not less, to help lower their drug costs and we certainly should not roll back the progress that has been made,” Nancy LeaMond, executive vice president and chief advocacy and engagement officer of AARP, said in a statement.

“Pharmaceutical companies are seeking a \$4 billion windfall that would leave seniors and other taxpayers holding the bag,” Frederick Isasi, executive director of advocacy group Families USA, said in a Sept. 21 statement. “Congress must put the needs of patients and consumers around the country struggling to afford medicines ahead of the demands of prescription drug company lobbyists.”

## Support

The Centers for Medicare & Medicaid Services said it has significant concerns about the impact the changes made in the Bipartisan Budget Act would have on drug costs, in an April letter to Medicare Advantage (managed care) organizations and drug plan sponsors.

PhRMA said Congress needs to fix the drop-off in coverage that some seniors face—known as the Medicare cliff—as the doughnut hole increases. “These fixes would leave seniors with high drug spending better off while stabilizing the program for the long-term,” Juliet Johnson, deputy vice president of public affairs at PhRMA, said.

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