

December 13, 2017

Hon. Orrin Hatch  
Chairman  
Senate Finance Committee  
219 Dirksen Senate Office Building  
Washington, D.C. 20510

Hon. Ron Wyden  
Ranking Member  
Senate Finance Committee  
219 Dirksen Senate Office Building  
Washington, D.C. 20510

Hon. Greg Walden  
Chairman  
House Energy & Commerce Committee  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Hon. Frank Pallone  
Ranking Member  
House Energy & Commerce Committee  
2322A Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Hatch, Chairman Walden, Ranking Member Wyden, and Ranking Member Pallone:

Thank you for your commitment to ensuring patient access to safe, effective and affordable medicines. We, the undersigned, support the development of a robust and sustainable market for FDA-approved biosimilars in the United States for patients and consumers seeking safe and effective treatments. Biosimilars hold great promise for patients and would improve the sustainability of our health care system. To achieve that promise, we write to you today to raise to your attention a significant unintended barrier to biosimilar utilization and request your assistance in advancing a legislative solution to lower prescription drug costs for millions of patients, seniors and individuals with disabilities in Medicare.

In 2010, Congress created the Coverage Gap Discount Program to limit patient out-of-pocket costs in the Medicare Part D prescription drug program. Medicare Part D requires brand-name manufacturers to provide discounts of 50 percent to patients in the coverage gap. For 2017, the coverage gap under the standard benefit is from \$3,700 to more than \$8,000 in total drug costs. Moreover, these discounts are used in the calculation of True Out of Pocket (TrOOP) and critical to determining when a beneficiary enters the catastrophic phase of coverage.

However, as a result of a legislative oversight, biosimilar manufacturers are not eligible to pay those discounts, leaving patients and Part D plans to pick up the cost differential. This incentivizes Part D plan sponsors to place patients on higher-cost brand biologics and leads to patients paying higher out-of-pocket costs for what are otherwise more affordable biosimilars. A 2016 Avalere study noted that for a sample drug that costs \$30,000 per year, patient costs for a biosimilar would, at the time, be over \$1,500 more per year (39 percent higher) than the brand product.<sup>1</sup> Current law thus creates a significant barrier for prescription drug manufacturers to develop biosimilars as it would be difficult to offer sufficient discounts to effectively compete and be covered under the Medicare Part D program.

**We encourage Congress to enact legislation to classify biosimilars as “applicable drugs” in the Coverage Gap Discount Program. This small change would require biosimilar manufacturers to pay the 50 percent discounts paid by their brand competitors, creating a level playing field to**

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<sup>1</sup> Patient Out-of-Pocket Costs for Biosimilars in Medicare Part D. Avalere Health. April 2016. ([link](#))

**compete for placement on Part D plan formularies.** Enabling biosimilar manufacturers to pay the discount would reduce both patient out-of-pocket costs and Part D program spending and provide the federal government with at least \$1 billion in savings over ten years.<sup>2</sup>

Thank you for your time and consideration of this change to the Coverage Gap Discount Program. We look forward to working with you to lower prescription drug costs for millions of Medicare beneficiaries.

Sincerely,

Academy of Integrative Pain Management  
Allergy & Asthma Network  
Alliance for Aging Research  
American Brain Tumor Association  
American Cancer Society Cancer Action Network  
American Consumer Institute  
American Sustainable Business Council  
Black Women's Health Imperative  
Bladder Cancer Advocacy Network  
Caregiver Action Network  
Coalition to Reduce Spending  
Consumer Action  
The Council for Citizens Against Government Waste  
FORCE: Facing Our Risk of Cancer Empowered  
FreedomWorks  
Frontiers of Freedom  
Global Healthy Living Foundation  
Independent Women's Voice  
Leukemia & Lymphoma Society  
Mended Hearts  
National Alliance on Mental Illness  
National Consumers League  
National Hispanic Medical Association  
National Medical Association  
National Patient Advocate Foundation  
National Taxpayers Union  
Oncology Nursing Society  
Prevent Cancer Foundation  
U.S. Pain Foundation

cc: Senate HELP Committee  
House Ways & Means Committee

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<sup>2</sup> "Biosimilar Inclusion in Manufacturer Coverage Gap Discount Program: Fiscal Implications." The Moran Company. October 2017. ([link](#))