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September 21, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

Dear Secretary Azar:

As you know, the 340B Drug Pricing Program assists safety-net providers nationwide and in my Congressional district of Sacramento County to obtain and distribute lifesaving medications to our nation's most vulnerable patients. This program is critical in keeping the cost of these medications low so that these providers can serve as many patients as possible. I'm writing today to urge you to ensure that our safety-net providers continue to receive medications through this program and take action against announced changes to the program by some participating drug manufacturers.

As you know, upon its enactment Congress clearly outlined the purpose of the 340B program, particularly stretching "scarce Federal resources as far as possible" and requiring prescription drug manufacturers, in order to participate in Medicare Part B and Medicaid, to offer certain safety-net providers "outpatient drugs for purchase at or below the applicable ceiling price." This program allows covered entities, such as certain community health clinics, Ryan White clinics, children's hospitals, and hospitals that serve a large number of low-income patients to use the savings from the 340B program to provide robust access to care for the patients most in need of that care.

I am concerned at announcements by multiple drug manufacturers to place limitations or restrictions on 340B prices and shipments. Other manufacturers have requested claims data from providers that are burdensome and are beyond the scope of the 340B statute. All of these actions go beyond Congressional intent and make it harder for covered entities to serve their patients most in need. I urge you to swiftly take action to ensure these changes are not implemented and that all participating entities comply with the letter and the intent of the 340B statute.

Thank you for your attention to this matter. Please reach out to Colleen Nguyen at colleen.nguyen@mail.house.gov with any questions or further information.

Sincerely,

A handwritten signature in black ink that reads "Ami Bera". The signature is written in a cursive, flowing style.

Ami Bera, M.D.
Member of Congress