

December 31, 2019

Office of Inspector General
Department of Health and Human Services
Attn: OIG-0936-AA10-P
Room 5521, Cohen Building 330
Independence Avenue SW
Washington, DC 20201

Re: Medicare and State Healthcare Programs: Fraud and Abuse; Revisions to Safe Harbors Under the Anti-Kickback Statute, and Civil Monetary Penalty Rules Regarding Beneficiary Inducements Proposed Rule (OIG-0936-AA10-P).

To Whom it May Concern:

Our organizations write to bring attention to the value pharmacies and pharmacists provide in furthering care coordination and value-based care. We are a group of multi-disciplined stakeholders who represent pharmacies and pharmacists that have a vested interest in encouraging the prevalence of patient centered healthcare services. To meaningfully promote a value-driven healthcare system, rather than a volume-based system, we urge the Department of Health and Human Services' (HHS) Office of Inspector General (OIG) to enhance its recognition that pharmacies do have the potential to contribute to the type of beneficial value-based arrangements this rulemaking is designed to foster, for example, through medication adherence programs or education services for diabetic patients. We ask that the OIG include our industry within the newly proposed value-based entity (VBE) safe harbors under the anti-kickback statute proposed rule (AKS proposed rule) for the reasons listed below.

Pharmacists are well-positioned practitioners to support coordinated and patient-focused medication use plans, which ultimately improves health outcomes. This is especially essential for patients with chronic diseases, behavioral health conditions, or medication-use challenges. In fact, 71% percent of all health care spending results from patients suffering from multiple chronic diseases, and they represent 83% percent of all prescriptions filled.¹ Pharmacies are already participating in value-based care by providing medication adherence services, joining enhanced services networks,² and using health information technology to further care coordination. Including pharmacists and pharmacies as VBE participants within the proposed VBE safe harbors will encourage more pharmacies to provide value-based care and facilitate greater care coordination between other healthcare providers and pharmacies providing enhanced services. Accordingly, our organizations urge the OIG to recognize pharmacies and pharmacists as VBE participants under the newly proposed VBE safe harbors.

¹ Troy Trygstad, *Payment Reform Meets Pharmacy Practice and Education Transformation*, 78 North Carolina Med. J. 3, p. 173-176 (May-June 2017), available at <http://www.ncmedicaljournal.com/content/78/3/173.full.pdf+html>.

² CPESN, *Empowering Community Pharmacies to Improve Care Coordination and Health Outcomes with Use of Electronic Care Plans*, available at <https://cpesn.com/ecare-plan/>.

Our organizations stand committed to work collaboratively with the Administration, Members of Congress, and other stakeholders to facilitate improved value-based patient care and increase savings to the government.

Sincerely,

Albertsons Companies
American Association of Colleges of Pharmacy
American Pharmacists Association
American Society of Consultant Pharmacists
American Society of Health-System Pharmacists
College of Psychiatric and Neurologic Pharmacists
Discount Drug Mart, Inc.
Food Marketing Institute
Hartig Drug Company
National Association of Chain Drug Stores
National Alliance of State Pharmacy Associations
National Community Pharmacists Association
National Grocers Association