



THE AIDS INSTITUTE

National Office – Washington, DC: 202-835-8373

Administrative Office – Tampa, FL: 813-258-5929

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Media Contacts: Carl Schmid, (202) 669-8267 CSchmid@theaidsinstitute.org

THE AIDS INSTITUTE COMMENDS SENATORS SMITH & KERRY FOR MEDICARE PART D BILL TO ENSURE ALL ANTIRETROVIRALS ON DRUG PLANS

Urges Congress to Pass Bill and other Medicaid & Medicare Improvements

Washington, DC – The AIDS Institute commends Senators Gordon Smith (R-OR) and John Kerry (D-MA), members of the Senate Finance Committee, for introducing the “Medicare Access to Critical Medications Act of 2007”, a bill that would legally require “all or substantially all” antiretrovirals, along with five other classes of drugs, on every Medicare Part D drug plan formulary. Currently, the Centers for Medicare and Medicaid Services (CMS) requires drug plans through annual guidance to cover “all or substantially all” drugs in the six protected classes. Unfortunately, this requirement is not always implemented and enforced, and CMS is under intense pressure each year not to continue the expanded coverage guidance.

“For people living with HIV/AIDS continued access to medications is a matter of life and death. Without medications, people will become ill and die,” commented Dr. Gene Copello, Executive Director of The AIDS Institute. “Senators Smith and Kerry’s bill will make sure Medicare Part D beneficiaries living with HIV/AIDS have access to the full array of all antiretrovirals that are necessary for them to remain healthy. We thank them for their leadership and concern for the well being of Medicare beneficiaries, particularly those representing vulnerable populations. We urge the Congress to pass this important Medicare Part D improvement measure this year.”

Without the coverage protection, current law requires drug plans to cover only at least two drugs in each class of medications. This is insufficient for beneficiaries living with HIV/AIDS since treatment usually requires a combination of several antiretrovirals and patients frequently build up drug resistance or develop side effects and need immediate access to other antiretrovirals.

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The other classes of drugs that would be protected under the legislation are antidepressants, antipsychotics, immunosuppressants, anticonvulsants, and antineoplastics. The AIDS Institute has been working with a broad coalition, including mental health advocates, who represent beneficiaries that utilize these medications in support of the Smith/Kerry bill. Another important element of the legislation is that it prohibits the use of utilization management tools (prior authorization, step therapy) for drugs in the six specified classes.

A similar bill was introduced in the House on July 17 by Rep. Lloyd Doggett (D-TX), along with 12 original co-sponsors (HR 3061). The AIDS Institute is pleased that it is included in the House's SCHIP reauthorization and Medicare Part D improvement package, which is currently pending in Committee.

"We call on the Senate to consider and pass this legislation this year," commented Carl Schmid, Director of Federal Affairs for The AIDS Institute. "In addition, we urge the Senate to correct an inequity with the Medicare drug program that does not allow expenditures by the AIDS Drug Assistance Programs (ADAP) to count towards True Out of Pocket (TrOOP) expenses." ADAPs are very similar to State Pharmacy Assistance Programs (SPAPs), which do count towards TrOOP. Presently, each year states spend about \$305 million of state funds to support ADAPs.

"Additionally, we urge the Senate to correct another inequity in the healthcare system by providing an option to the states to cover in their Medicaid program low income people who have HIV, and have not yet developed full blown AIDS. Passage of the Early Treatment for HIV Act (ETHA), which has been championed by Senator Smith and Senator Hillary Clinton (D-NY), would bring the Medicaid system up to current healthcare treatment standards which call for early treatment of people with HIV," continued Schmid. A \$500 million demonstration project for ETHA was included in this year's congressional budget resolution.

"We look forward to having these important health care improvements enacted by Congress," added Copello. "Their passage is important to people living with HIV/AIDS and other chronic conditions in the United States," concluded Copello.

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For more information and to become involved in AIDS advocacy work, please contact The AIDS Institute at: (202) 835-8373, or by email at: Info@theaidsinstitute.org or www.TheAIDSInstitute.org

The AIDS Institute is a national nonprofit and nonpartisan agency that promotes action for social change through public policy research, advocacy and education.