

May 14, 2010

Department of Health and Human Services  
Attention: DHHS-2010-MLR  
Hubert H. Humphrey Building, Room 445-G  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Re: Identifier DHHS-2010-MLR

**Request for Comments Regarding Section 2718 of the Public Health Services Act (Medical Loss Ratios)**

The Academy of Managed Care Pharmacy (AMCP) requests that this addendum to our comments submitted on May 12, 2010 be considered by the Department as well as the Department of the Treasury: Internal Revenue Service (IRS), and the Department of Labor, Employee Benefits Security Administration as these entities consider implementation of Section 2718 of the Public Health Services Act relating to medical loss ratios (MLR). Specifically, we respectfully request that MLR allowable expenses related to quality measurement activities include those expenses associated with utilization review.

AMCP is a national professional association of pharmacists and other health care practitioners who serve society by the application of sound medication management principles and strategies to achieve positive patient outcomes. The Academy's 6,000 members develop and provide a diversified range of clinical, educational and business management services and strategies on behalf of the more than 200 million Americans covered by a managed care pharmacy benefit. They are responsible for a broad and diversified range of clinical, quality-oriented services, programs and strategies including the development and implementation of drug formulary systems.

Appropriate medication therapy for patients is dependent on utilization review. Good patient care practices demands that an individual patient's medication profile be examined to eliminate the potential for adverse drug reactions when a newly prescribed medication is added to a patient's regimen.

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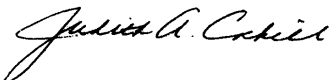
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The utilization review protocol allows both the prescriber and the dispensing pharmacist to assess whether a drug being added to a patient's therapy will create contra-indications with existing drug therapy, be needlessly redundant, or introduce allergic reactions. We believe it is essential to prudent patient care that utilization review be considered a legitimate MLR expense.

AMCP appreciates the opportunity to add these comments to our prior May 12, 2010 letter. If you have any questions, please contact me at (703) 683-8416 or at [jcahill@amcp.org](mailto:jcahill@amcp.org).

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith A. Cahill".

Judith A. Cahill  
Executive Director