



November 13, 2023

Secretary Xavier Becerra
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Director Melanie Fontes Rainer
Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Submitted electronically via regulations.gov

Re: Discrimination on the Basis of Disability in Health and Human Service Programs or Activities (RIN: 0945-AA15)

Dear Secretary Becerra and Director Fontes Rainer:

The Academy of Managed Care Pharmacy (AMCP) thanks the Department of Health and Human Services (HHS) and the Office for Civil Rights for the opportunity to provide comments in response to the “Discrimination on the Basis of Disability in Health and Human Service Programs or Activities” proposed rule published in the Federal Register on September 14, 2023.

AMCP is the nation’s leading professional association dedicated to increasing patient access to affordable medicines, improving health outcomes, and ensuring the wise use of healthcare dollars. Through evidence and value-based strategies and practices, AMCP’s nearly 8,000 pharmacists, physicians, nurses, and other practitioners manage medication therapies for the 270 million Americans served by health plans, pharmacy benefit management firms, emerging care models, and government health programs.

One of AMCP’s strategic priorities is addressing health disparities in medication use and access.¹ As part of its focus on this priority, AMCP developed a health equity action brief on disabilities,² which notes the importance of identifying gaps in care caused by discrimination.

¹ AMCP supports opportunities to leverage managed care pharmacy to address disparities in medication access, use, and outcomes. AMCP strives to create awareness, identify opportunities to mitigate disparities in medication use from a managed care perspective, seek partnerships, and expand research opportunities to support managed care professionals regarding disparities in medication use. <https://www.amcp.org/about/about-amcp/amcp-strategic-priorities>

² The Disabilities Health Equity Action Brief provides an overview of the barriers to medication use and health outcomes due to disabilities, and how managed care can identify the gaps in care and develop interventions to address these health inequities for their health plan members. <https://www.amcp.org/resource-center/tool-kits/health-equity-action-brief-disabilities>

AMCP supports HHS' efforts at ensuring that people are not discriminated against based on disability.

Medical Treatment (§ 84.56)

AMCP supports HHS' proposed clarifications on the general prohibition on discrimination against people with disabilities in the context of medical treatment and, specifically, regarding the prescribing, dispensing, and management of medications. AMCP supports providing patients with access to the medications they need at a price they can afford. Ensuring that recipients of federal funding do not discriminate is of paramount importance in alleviating health disparities and delivering optimal health outcomes for all patients.

Value Assessment Methods (§ 84.57)

AMCP believes that value assessment methods can be valuable tools for ensuring the cost-effectiveness of treatment and promoting better clinical outcomes.³ AMCP shares HHS' concerns about the potential for discriminatory application of value-assessment methodologies and believes that the focus of any methodologies used should be on clinical outcomes, patient-reported outcomes, safety, and high-quality real-world data when determining value. It is important that standards are clear and transparent for all stakeholders and are based on scientific evidence and clinical guidelines. Value assessment methods should not de-value the lives of those with disabilities as compared to the lives of those without disabilities.

AMCP appreciates your consideration of the comments outlined above and looks forward to continuing work on these issues with HHS. If you have any questions regarding AMCP's comments or would like further information, please contact AMCP's Director of Regulatory Affairs, Geni Tunstall, at etunstall@amcp.org or (703) 705-9358.

Sincerely,



Susan A. Cantrell, MHL, RPh, CAE
Chief Executive Officer

³ To advance these principles and improve value assessments and their application to formulary decision-making to best optimize patient care, AMCP held a multistakeholder Partnership Forum on August 30 and 31, 2022. Forum participants were asked to: 1) outline principles for how value should be rewarded in a system of constrained resources, 2) explore the evolution of value frameworks to guide coverage and reimbursement decisions, and 3) identify education and managed care tools to aid the application of value assessment findings. Participants also explored strategies, guidance, and best practices for managed care pharmacy when assessing value, a vital component of improving health system affordability and patient care. <https://www.amcp.org/sites/default/files/2022-09/PFAUG2022ExecSummary.pdf>