




CMS Issues Proposed Rule Updating the Medicaid Drug Rebate Program

On June 19, CMS issued a [proposed rule](#) updating the Medicaid Drug Rebate Program (MDRP) to better account for value-based purchasing (VBP) programs between manufacturers and states and other payers. In particular, the proposed rule details how manufacturers should account for VBP programs in their reporting of the manufacturer best price, for the purposes of determining rebate amounts. Manufacturers have cited concerns about the impact of VBPs on the calculation of best price under the MDRP. The proposed rule would allow for a single drug to have multiple price points due to a VBP program under the proposed MDRP regulations. This is a major departure from CMS's historical interpretation of the calculation of best price, which was based on a single price.

[Read AMCP's summary](#) of the proposed rule. Comments must be submitted to CMS by July 20, 2020. You may provide feedback via email to advocacy@amcp.org on any provisions included in the proposed rule.



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SAMHSA Publishes Final Rule Amending Substance Use Disorder Treatment Records Privacy

On July 13, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a final rule updating the regulations governing the privacy of patient substance use disorder (SUD) treatment records in ways that will promote effective care coordination while still protecting patient privacy. The final rule makes changes permitting providers who receive patient records from a treatment facility to maintain those records separately from other medical records for the patient in order to not implicate the more stringent privacy standards related to SUD treatment records. Additionally, SAMHSA expands the definition of disclosure of SUD treatment records for the purposes of "payment and health care operations" to include case management

Advocacy Tip

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activities. The rule does not make any changes to the requirements for patient consent to share SUD treatment records with any provider or entity.

[Read the final rule.](#)

AMCP Joins Pharmacy Stakeholder Letter on Vaccine Administration

AMCP joined other national pharmacy organizations in sending a letter to the US Department of Health and Human Services (HHS), urging the department to permit pharmacists to order and administer COVID-19 vaccines when they become available. The letter asks HHS to issue a declaration under the Public Readiness and Emergency Preparedness (PREP) Act authorizing licensed pharmacists to order and administer all Food and Drug Administration (FDA) approved vaccines and that the order preempts any state and local requirements that prohibit or effectively prohibit pharmacist vaccine administration. In April, HHS issued a similar order under the authority of the PREP Act that allows licensed pharmacists to order and administer COVID-19 tests.

[Read the joint letter.](#)

AMCP Signs Joint Comment Letter on Pharmacy Telehealth in Medicare

The Pharmacy Health IT Collaborative (PHIT) recently submitted comments to the Centers for Medicare and Medicaid Services (CMS) on proposed changes to the Medicare program in response to the COVID-19 public health emergency. As an active member of PHIT, AMCP signed on to these comments along with other PHIT members representing national pharmacy organizations. The comments center around changing current Medicare program rules to allow pharmacists to be eligible telehealth providers with the ability to bill for the services they provide to Medicare beneficiaries. Pharmacists are already active telehealth users and vital members of patient care teams and expanding access to the telehealth services of pharmacists can expand pharmacist-provided health care services to patients outside of traditional community pharmacy practice settings. As such, pharmacists should be included as providers in the Medicare program.

[Read the PHIT comments.](#)

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