



CARES Act Includes Changes Relevant to Managed Care Pharmacy, Substance Abuse Record Rules

The House and Senate last month overwhelmingly passed the bipartisan [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#), which provides aid to the health care system and economic relief to American workers. The CARES Act includes many provisions relevant to managed care pharmacy, including allowing up to three-month prescription fills and refills of covered Part D drugs, eliminating Part B cost sharing for a future COVID-19 vaccine, providing coverage of COVID-19 testing at no cost to patients in the private insurance market, and prioritizing the review of drug applications to prevent or mitigate drug shortages.

Additionally, the law modifies 42 CFR Part 2, the rules governing confidentiality and sharing of substance abuse treatment records. Previously, 42 CFR Part 2 rules had not been aligned with HIPAA privacy rules, creating challenges for providers in seeking a patient's whole medical record. The CARES Act brings 42 CFR Part 2 into alignment with HIPAA rules while still maintaining the rights of the patient.

AMCP has worked with the Partnership to Amend 42 CFR Part 2 for several years on this issue and will continue to work with the Partnership as implementing regulations for these modifications are proposed. AMCP [signed a March 27 joint Partnership coalition letter](#) commending Congress on the move to improve substance use disorder patient safety and coordinated care.

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Reference: 1. Kaspargo Sprinkle
(prescribing information). Cranbury, NJ:
Sun Pharmaceuticals, Inc.; 2018
PM-US-KAP-0033.



Eye on Washington

HHS Authorizes Pharmacists to Order and Administer COVID-19 Tests

HHS on April 8 issued [new guidance](#) under its public health emergency authority authorizing licensed pharmacists to order and administer COVID-19 tests. The guidance notes that pharmacists are trusted health care professionals with established patient relationships who are well-positioned to aid COVID-19 testing expansion because the vast majority of Americans live close to a retail or independent pharmacy. The guidance designates pharmacists as "covered persons" under the Public Readiness and Emergency Preparedness (PREP) Act, which provides them with immunity from any claims resulting from the

Advocacy Tip

Stay up-to-date: Read AMCP's [Letters, Statements and Analysis](#) on all legislation and regulation impacting managed care pharmacy.

administration of COVID-19 tests, as are all providers with the same designation under the PREP Act.

AMCP Launches COVID-19 Resource Center

AMCP has created a [COVID-19 Resource Center](#) to assist managed care professionals in addressing the unique challenges of delivering patient care during the COVID-19 crisis. The site aggregates timely information from many sources, including the numerous waivers and guidance documents issued by HHS, CMS, and other agencies to address the crisis. Visit the site to learn more and [take our survey](#) letting us know how we can best support you during this time. You can also send your comments, questions, or suggestions about this page to COVIDneeds@amcp.org.



AMCP Submits Comments on Proposed Medicare Advantage and Part D Rule

AMCP submitted comments on the proposed rule providing policy and technical changes to the Medicare Advantage and Part D programs for 2021 and 2022. AMCP's comments focused on several issues of importance to managed care pharmacy, including supporting the requirement for Part D plan sponsors to offer beneficiaries a real time benefit tool that will allow individuals to look up information on cost sharing and utilization management requirements specific to their benefit plan. AMCP also supported CMS's proposal to allow Part D plans to offer a second specialty tier, with the aim of increasing use of biosimilars and hopefully decreasing the cost of specialty drugs through increased negotiation between plan sponsors and manufacturers for formulary placement. Finally, AMCP commented on CMS's proposal to require Part D plan sponsors to disclose performance measures used in their network pharmacy contracts, saying that those measures should be made publicly available by CMS. [Read AMCP's letter](#).

AMCP Comments to FDA and FTC on a Competitive Biosimilar Marketplace

AMCP has responded to public comments made during an FDA and FTC March 9 public workshop on ensuring a competitive marketplace for biosimilars. During the public comment period, several speakers spoke negatively about the use of managed care tools and encouraged the agencies to curtail their use. AMCP submitted comments to the workshop's public docket on the value that managed care pharmacy tools bring to patients specifically, and to the health care system more

generally. AMCP's comments also detail the important work done by the Biologics and Biosimilars Collective Intelligence Consortium (BBCIC), highlighting our commitment to ensuring that patients and clinicians have access to up-to-date research and information on biological products. [Read AMCP's letter.](#)

Academy of Managed Care Pharmacy

675 North Washington Street, Suite 220, Alexandria, VA 22314

703.684.2600 | www.amcp.org

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