

Congress of the United States
Washington, DC 20515

August 10, 2012

The Honorable Marilyn Tavenner
Centers for Medicare and Medicaid Services
PO Box 8016
Baltimore, MD 21244-8016

Dear Acting Administrator Tavenner,

Thank you for this opportunity to comment on the proposed regulation on Medicaid's coverage of outpatient drugs (CMS-2345-P). We are concerned with a critical provision that will affect access to family planning services and ask that the final regulation make explicitly clear that Section 1927(c)(1)(D)(i)(IV) of the Social Security Act includes family planning clinics, as well as university and college health centers and other women's health centers.

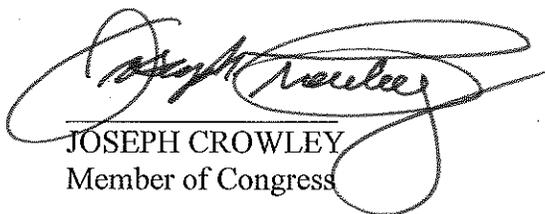
Section 1927(c)(1)(D)(i)(IV) is based on the bipartisan *Prevention Through Affordable Access Act*, led by Representative Joseph Crowley and supported by a bipartisan coalition. The Act's purpose was to correct a flaw in the *2005 Deficit Reduction Act*, which unintentionally prevented many family planning clinics and other women's health centers from being able to access discounted contraceptives. Ultimately, this language became law as part of the 2009 omnibus appropriations bill (Public Law 111-8).

The intent of Congress was very clear: this provision was supposed to create a way to capture *all* family planning clinics, especially those family planning clinics that do not qualify for the 340B Drug Pricing Program. The congressional debate and the legislative correspondence surrounding the *Prevention Through Affordable Access Act* clearly demonstrate the goals of this legislation that is now in law.

During the 110th Congress, a bipartisan coalition of Representatives contacted House leadership on three separate occasions urging the passage of the *Prevention Through Affordable Access Act* specifically with the goal of protecting family planning providers. Additionally, during a floor debate in the Senate on December 19, 2007, one of the main bill sponsors noted during the floor debate that the bill was explicitly intended "to ensure that family planning services and birth control pricing are restored." Lastly, as the 2009 omnibus was being considered on the Senate floor, Senate Finance Chairman Baucus and Senator Stabenow engaged in a colloquy where they identified family planning clinics that do not participate in the 340B pharmacy program as the intended beneficiary of this legislative fix: "This access should begin immediately upon enactment, and manufacturers should feel confident that they can extend discounts to family planning clinics such as Planned Parenthood."

Thank you again for the opportunity to comment on access to family planning. Again, we ask that you explicitly state in final rulemaking that section 1927(c)(1)(D)(i)(IV) includes all non-340B family planning clinics and other women's health centers, so that they are eligible for discounted drug pricing. As always, we look forward to working with you on improving the health of our nation and ensuring that all women have access to recommended preventive health services.

Sincerely,



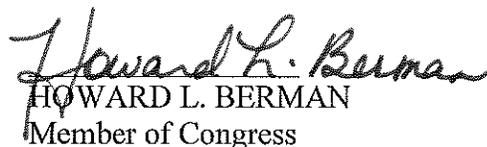
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Member of Congress



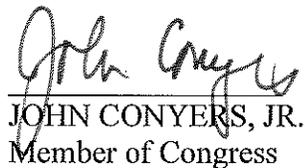
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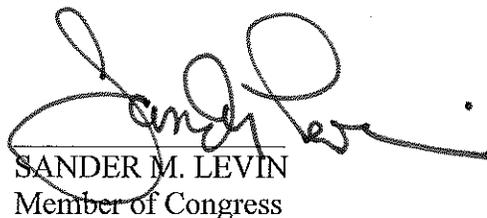
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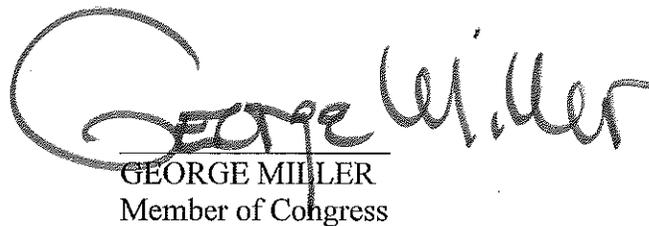
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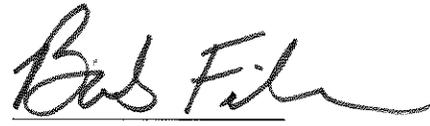

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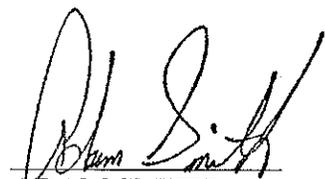

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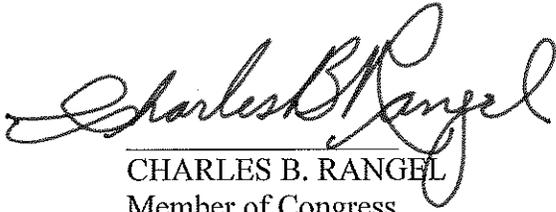
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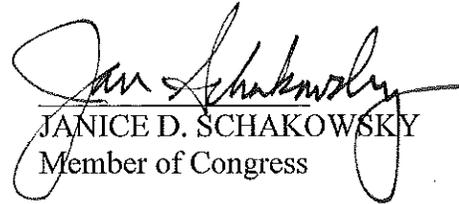
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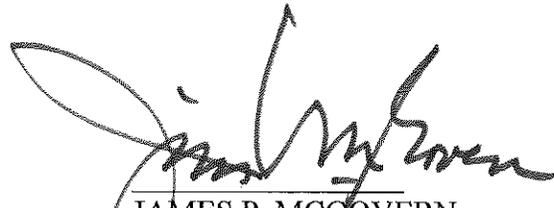
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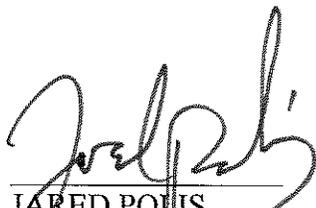

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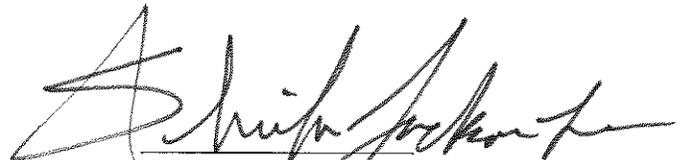

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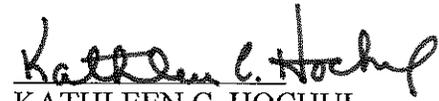

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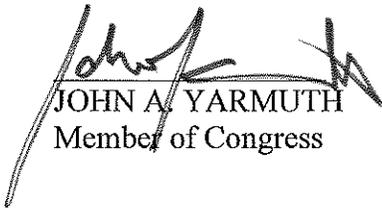

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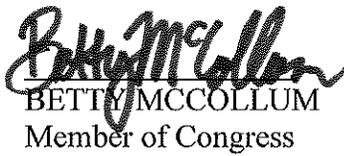

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