June 24, 2021

Honorable Xavier Becerra
Secretary
Office of the Secretary
200 Independence Avenue, S.W.
Washington, DC 20201

Re: Proposed Recission of Executive Order 13937, “Executive Order on Access to Affordable Life-saving Medications”

Dear Secretary Becerra,

On behalf of OCHIN and our members, OCHIN strongly supports the Department of Health and Human Services (HHS) proposal to rescind the Trump administration’s final rule entitled, “Implementation of Executive Order on Access to Affordable Life-saving Medications.” By rescinding this rule, the Biden administration can preserve resources for patients who use life-saving medications, like insulin and injectable epinephrine, while continuing to stabilize community health clinics as they grapple with the COVID-19 public health emergency (PHE), the opioid epidemic, and the rapid rise in mental and behavioral health needs. OCHIN supports policies that ensure affordable access to life-saving medications.

OCHIN is a national nonprofit health information, innovation, and research network with two decades of experience transforming health care delivery and providing leading-edge technology, data analytics, and research. We support services to more than 500 community health care sites (including 20% of the country’s federally qualified health centers) with 21,000 providers in 47 states, reaching nearly 6 million patients. For two decades, OCHIN and our members have advanced equity in health care through technology and innovation for patients and their providers in underserved communities. OCHIN’s 340B Program eligible network members treat patients regardless of ability to pay, charge a sliding fee scale based on income, and would not have been able to remain open to serve their patients, particularly due to the impact of the COVID-19 PHE, without a myriad of support structures, including the 340B Program.

The 340B Program remains the cornerstone of providing equitable access to care by allowing providers in historically underserved communities to stretch limited funding and keep their doors open. Stabilizing this program is important as providers shift away from traditional fee-for-service to value-based payment. These challenges that community-based health care providers face have been magnified by the increased demand that COVID-19 has posed on health centers.

OCHIN commends the HHS for proposing to rescind the final rule. The implementation and administrative costs in the final rule would have stripped health centers of valuable resources used to provide critical services and life-saving medications for vulnerable patients. The U.S. Health Resources and Service Administration (HRSA) estimated that if this rule were to take effect, each health center would need one
full-time equivalent assistance worker on average to support the proposed administrative process. The proposed rule would require community clinics to abide by costly and arbitrary administrative obligations.

OCHIN appreciates your consideration of our comments and would welcome working with the Biden administration to identify solutions that would improve equitable access to prescription medication and long-term sustainable programmatic changes that strengthen community-based care and public health. Please contact me at stollj@ochin.org should you have any questions.

Sincerely,

Jennifer Stoll
Executive Vice President
Government Relations & Public Affairs