



# ATAP

ALLIANCE *for* TRANSPARENT &  
AFFORDABLE PRESCRIPTIONS

The Honorable Susan Collins  
413 Dirksen Senate Office Building  
Washington, DC 20510

June 19, 2018

RE: Patient Right to Know Drug Prices Act (S. 2554)

Senator Collins:

The Alliance for Transparent and Affordable Prescriptions (ATAP) consists of nineteen patient and provider groups who are concerned about the role pharmacy benefit managers (PBMs) play in our drug supply chain. As prescribers and patients, we have seen firsthand the negative effect that some of the business practices of PBMs are having on patients' ability to access needed medications. As such, we are supportive of the "Patient Right to Know Drug Prices Act" (S. 2554).

The legislation would end the use of so-called "gag clauses" in certain markets by prohibiting PBMs from restricting a pharmacy's ability to inform a patient when the cost of the drug would be less if purchased without insurance. One of the largest PBMs has expressed support for the legislation, which may indicate that this tactic does not meet not industry standards.<sup>1</sup> Nevertheless, there are plenty of reported instances of this important information being withheld due to the inclusion of such a prohibition in a PBM contract.

A gag clause may also come in the form of a "non-disparagement" clause. If such a clause is included in the contract between the PBM and the pharmacy, it has the same effect as a traditional gag clause. When a pharmacy tells a patient that the medicine would be cheaper without insurance, the PBM may consider this "disparagement" per the contract and penalize the pharmacy, or even omit them from the network. We urge you to ensure your legislation addresses both scenarios.

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<sup>1</sup> <https://www.prnewswire.com/news-releases/express-scripts-endorses-know-the-lowest-price-act-of-2018-and-patient-right-to-know-drug-prices-act-300615451.html>.

Thank you for standing up for patients through your leadership on this important issue.

Sincerely,

American Association of Clinical Urologists  
American Bone Health  
American College of Rheumatology  
American Psychiatric Association  
Association of Women in Rheumatology  
California Rheumatology Alliance  
Coalition of State Rheumatology Organizations  
Florida Society of Rheumatology  
Global Healthy Living Foundation  
Kentuckiana Rheumatology Alliance  
Lupus and Allied Diseases Association, Inc.  
National Organization of Rheumatology Managers  
New York State Rheumatology Society  
North Carolina Rheumatology Association  
Ohio Association of Rheumatology  
Rheumatology Alliance of Louisiana  
Rheumatology Nurses Society  
Tennessee Rheumatology Society  
U.S. Pain Foundation