

March 15, 2023

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services

Dear Secretary Becerra,

Thank you for your leadership during the COVID-19 pandemic and public health emergency. We greatly appreciate the efforts made by the Department of Health and Human Services to support providers during the pandemic and to ensure high quality of care for the millions of beneficiaries across the country.

Post-acute and long term care (PALTC) provides care for the most vulnerable population and most at risk of serious illness or death from COVID-19. The COVID-19 vaccines and therapeutics have life-saving consequences in our population, which have been well documented. We represent a coalition of stakeholders focused on COVID-19 vaccines and therapeutics access in PALTC. Our members include PALTC provider associations, pharmacy associations, group purchasing organizations for PALTC pharmacies, PALTC pharmacies, and public health organizations. Members of the coalition have been working since these medical countermeasures became available to ensure access to PALTC residents. As we are approaching the end of the public health emergency and the commercialization of these medical countermeasures, we want to ensure continued rapid and reliable access in PALTC facilities. Below are two concerns and corresponding recommendations we would like to place forth for consideration.

PALTC organizations are serviced primarily by long term care (LTC) pharmacies. These pharmacies supply all vaccines and treatments needed in LTC, including for influenza. The ordering system for influenza has been a significant challenge because LTC pharmacies are seen as mid-level customers by the manufacturers due to the smaller size of their orders (approximately 5 million doses), and consequently, orders are not prioritized. Large retail pharmacy chains, along with large hospital systems, place the largest orders for their pharmacies, hospitals, and clinics and thus receive their orders first. Often, LTC pharmacies are unable to receive orders until later into influenza season (end of October) even if they ordered early (March), which means the LTC population often doesn't receive their vaccines until late in the flu season, putting them at significant risk of severe illness and death. Assuming the COVID-19 vaccine ordering mimics that for the annual influenza vaccine, PALTC will not receive vaccines until later in the season, putting this population at disproportionate risk for severe illness and death from COVID-19. ***We request the government encourage vaccine manufacturers to provide priority to long-term care pharmacies and PALTC facilities in purchasing and receiving COVID-19 vaccines.***

CMS has been utilizing enforcement discretion for LTC pharmacies to receive direct reimbursement via roster billing of Medicare Part B for vaccine administration. This supports LTC pharmacies in receiving adequate reimbursement for vaccine ordering and administration, including reporting on behalf of facilities to the state immunization information systems (IIS). At present, this enforcement discretion is set to end on June 30, 2023, unless CMS extends it. This is impactful because it could cause disruptions in the timeliness of beneficiary inoculations as providers and long-term care pharmacies work to revise the ordering, administration, reporting, and billing workflows they have established during the public health emergency. ***We request that CMS extend this enforcement discretion at a minimum through the***

***end of the 2023-2024 influenza season and include COVID-19, influenza, pneumococcal, and RSV (when approved) vaccines.***

Thank you again for your tireless efforts and continued support of this vulnerable population.

Sincerely,

American Health Care Association/ National Center for Assisted Living (AHCA/NCAL)

American Seniors Housing Association (ASHA)

American Society of Consultant Pharmacists (ASCP)

American Pharmacists Association (APhA)

GeriMed

National Community Pharmacists Association (NCPA)

PharMerica