

# United States Senate

WASHINGTON, DC 20510

December 12, 2024

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell,

We write to encourage you to include critically-needed Pharmacy Benefit Manager (PBM) reforms in any legislative vehicle that may be brought up for a vote at the end of the 118th Congress.

A number of committees in both the Senate and the House have passed meaningful legislation that would rein in certain PBM practices that harm patients and local pharmacies. In the Senate, the Senate Finance Committee nearly unanimously passed the *Modernizing and Ensuring PBM Accountability Act* and the *Better Mental Health Care, Lower-Cost Drugs, and Extenders Act*, the Health, Education, Labor, and Pensions (HELP) Committee passed the *Pharmacy Benefit Manager Reform Act*, the Commerce Committee passed the *Pharmacy Benefit Manager Transparency Act*, and the Judiciary Committee passed the *Prescription Pricing for the People Act*. These proposed policies would increase transparency, realign incentives for PBMs and patients, ensure pharmacies are adequately reimbursed, and ensure that patients benefit from decreased drug costs.

To not advance these important policies before the end of this Congress would be a waste of substantial progress made and would deny patients and pharmacists across the country the relief they deserve.

In December of last year, the Centers for Medicare & Medicaid Services (CMS) wrote to PBMs and plans: “We are hearing an increasing number of concerns about certain practices by some plans and [PBMs] that threaten the sustainability of many pharmacies, impede access to care, and put increased burden on health care providers.”<sup>1</sup> More recently, the Federal Trade Commission (FTC) released an interim report which noted that “PBMs can often exercise significant control over which drugs are available, at what price, and which pharmacies patients can use to access their prescribed medications,”<sup>2</sup> and filed a complaint alleging that “PBMs have abused their economic power by rigging pharmaceutical supply chain competition in their favor, forcing patients to pay more for life-saving medication.”<sup>3</sup>

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<sup>1</sup> <https://www.cms.gov/newsroom/fact-sheets/cms-letter-plans-and-pharmacy-benefit-managers>

<sup>2</sup> [https://www.ftc.gov/system/files/ftc\\_gov/pdf/pharmacy-benefit-managers-staff-report.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/pharmacy-benefit-managers-staff-report.pdf)

<sup>3</sup> <https://www.ftc.gov/news-events/news/press-releases/2024/09/ftc-sues-prescription-drug-middlemen-artificially-inflating-insulin-drug-prices#:~:text=Today%2C%20the%20Federal%20Trade%20Commission%20brought%20action%20against,of%20high%20insulin%20list%20prices%20to%20vulnerable%20patients.>

The need to act is more severe now than ever before. In 2023 there were over 300 independent pharmacy net closures – almost one per day.<sup>4</sup> Unfortunately, that trend has only grown in 2024. Pharmacies across the country have been forced to close their doors because PBMs have continued to reimburse them significantly less than it costs the pharmacy to even purchase the drug. This is unsustainable, especially for small family businesses. The impacts of these closures only hurt already-struggling communities by decreasing the number of quality health care providers and likely increasing costs for seniors.

Should any long-term policy priorities be attached to an end-of- year spending package, PBM reforms should be included in order to end the 118<sup>th</sup> Congress with success that will help protect pharmacies and decrease costs for patients across the country.

Sincerely,



James Lankford  
United States Senator



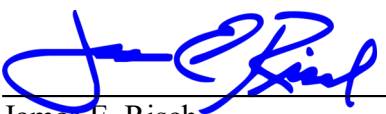
Mark R. Warner  
United States Senator



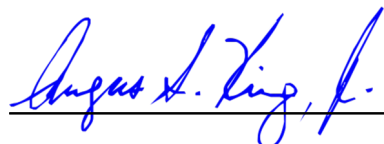
Thom Tillis  
United States Senator



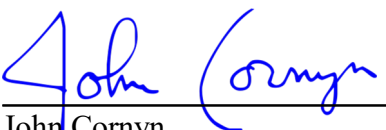
Tim Kaine  
United States Senator



James E. Risch  
United States Senator



Angus S. King, Jr.  
United States Senator



John Cornyn  
United States Senator



Raphael Warnock  
United States Senator


<sup>4</sup> <https://ncpa.org/sites/default/files/2024-02/2.27.2024-NCPAtoCMS-DIRconcerns-surveyresults.pdf>

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Charles E. Grassley  
United States Senator



Catherine Cortez Masto  
United States Senator



Kevin Cramer  
United States Senator



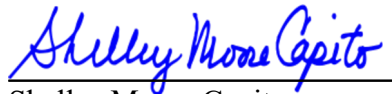
Elizabeth Warren  
United States Senator



Susan M. Collins  
United States Senator



Martin Heinrich  
United States Senator



Shelley Moore Capito  
United States Senator




Peter Welch  
United States Senator



Markwayne Mullin  
United States Senator



Maria Cantwell  
United States Senator



Jerry Moran  
United States Senator



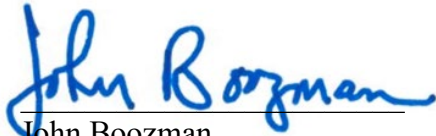
Gary C. Peters  
United States Senator



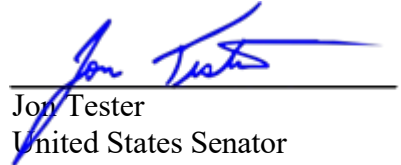
Deb Fischer  
United States Senator



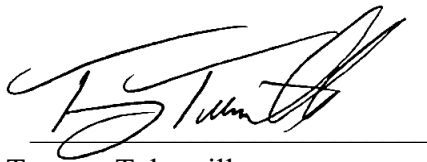
Tammy Baldwin  
United States Senator




John Boozman  
United States Senator



Jon Tester  
United States Senator



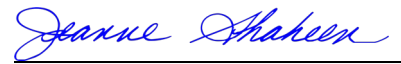
Tommy Tuberville  
United States Senator



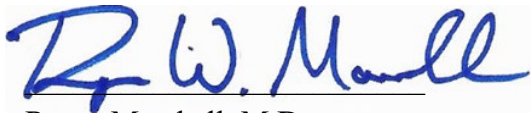
Christopher A. Coons  
United States Senator



Mike Braun  
United States Senator



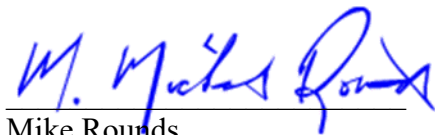
Jeanne Shaheen  
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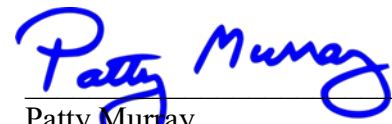
Roger Marshall, M.D.  
United States Senator



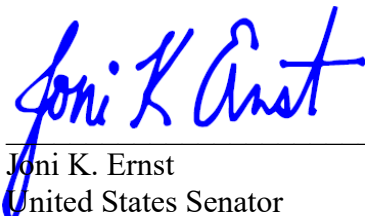
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United States Senator



Mike Rounds  
United States Senator



Patty Murray  
United States Senator



Joni K. Ernst  
United States Senator



Margaret Wood Hassan  
United States Senator