Case Studies

February 4, 2025

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Case Studies - Dos and Don'ts

- This is bad...

CONSIDERATIONS

The Role of the HHS

It is possible for the HHS to exercise reforms on prescription drug pricing. Though not able to create new legislation, the HHS does oversee numerous health and social service programs across the country. In this role, the HHS has the power to issue guidances and regulations which impact the implementation of these programs--without getting prior approval from Congress.

Example: Reducing the opportunity for pharmacy benefit managers to overcharge

Under the ACA, insurance companies are required to maintain MLRs of 80 percent or 85 percent. As part of the implementation of the law, HHS is required to issue regulations establishing which expenditures by health insurers are considered medical claims. If the HHS were to establish a rule that reduced the number of charges that are considered medical expenditures, health insurers would minimize spending.

Example: Recruiting scientists who perform the research underpinning drug development

The 21st Century Cures Act, among many other issues, has given the HHS the power to to recruit and retain a workforce of skilled researchers and scientists to develop new drugs. Bolstering the ability of the federal government to perform this research is how innovative new drugs are developed.
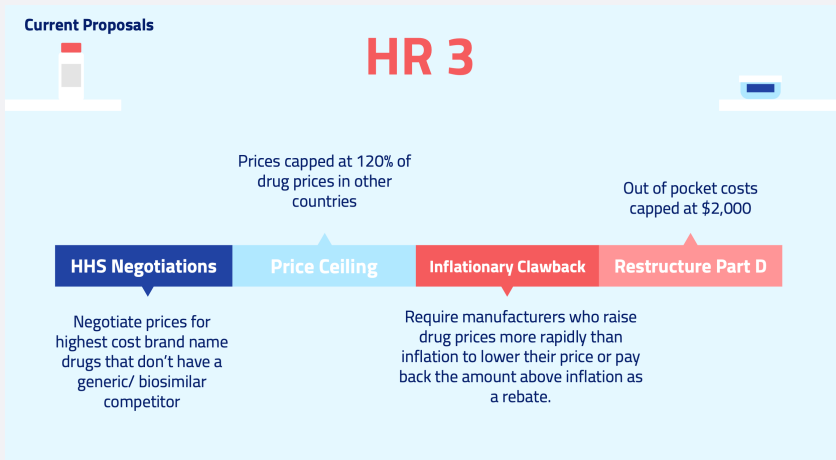
The Impact on Bipartisan Solutions

The influence and power of the HHS does impact on bipartisan solutions, because one or both of the Parties often oppose regulations set down by the HHS. As a result, this can impact future policies, personnel, and budget allocation in relation to the HHS. In terms of Example 1, the GOP often opposes federal regulations and one such as this would likely warrant discord. Example 2 however has the potential to improve public health without requiring too much spending--a more bipartisan solution.

- This is good…

Current Proposals

HR 3

Prices capped at 120% of drug prices in other countries

Out of pocket costs capped at $2,000

HHS Negotiations	Price Ceiling	Inflationary Clawback	Restructure Part D

Negotiate prices for highest cost brand name drugs that don't have a generic/ biosimilar competitor

Require manufacturers who raise drug prices more rapidly than inflation to lower their price or pay back the amount above inflation as a rebate.

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- Tell a story

- **Don't:** have too many slides
- **Do:** add an appendix
- **Don't:** require everyone to speak
- **Do:** practice!!!