

**Congress of the United States**  
**Washington, DC 20515**

March 4, 2014

The Honorable Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Ms. Marilyn Tavenner  
Administrator  
Centers for Medicare and Medicaid  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Secretary Sebelius and Administrator Tavenner,

Congress created the Medicare Part D program in 2003 with an emphasis on creating a prescription drug benefit that would provide access to prescription medications for all Medicare beneficiaries. Congress deliberated over this policy for many years before finally enacting the Medicare Modernization Act. While Part D was not originally supported by all Members of Congress, it has in time demonstrated the ability to provide access to important life-saving and life-enhancing medications for the vast majority of America's seniors and non-elderly people with severe disabilities.

A critically important component of what has made Part D successful over the past eight years is the six protected classes policy. Created by CMS in 2005 through subregulatory guidance, and later codified by Congress in 2008, the six protected classes policy has enjoyed strong bipartisan, bicameral support. The six classes of medications were deemed by Congress to be the correct classes for inclusion in 2008 and that position was reaffirmed in 2010.

For this reason, we are extremely troubled by the proposed rule CMS issued regarding Medicare parts C & D on January 6, which removed the protections for anti-depressants, immunosuppressants used for organ rejection and anti-psychotics. We believe this proposed policy will place harmful limits on Medicare beneficiaries' access to necessary medications that would otherwise be covered by protected status.

We also believe these policy changes will inextricably tie the hands of physicians who treat these individuals, many of whom have complex medical needs. For instance, limiting the type of immunosuppressants a physician can prescribe places a transplant patient at risk for organ rejection or other health complications. Similarly, hindering access to anti-depressants, and eventually anti-psychotics, may put someone with mental illness at greater risk for suicide and destabilization of their condition. These restrictions on appropriate access also impact persons with other challenging health conditions like cancer, HIV or epilepsy that have higher rates of depression as a comorbidity.

Furthermore, the proposed rule relies upon what is widely known to be ineffective exceptions, appeals, and grievance processes to ensure sick individuals enjoy timely access to necessary medications. Removal of protected status for the anti-psychotic, anti-depressant and

immunosuppressant classes and allowing coverage of as few as two medications in these classes is certain to overwhelm an already overburdened process under Part D.

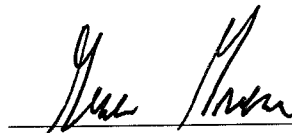
Finally, given the broad public support for increasing patient access to care, especially in the area of mental health, and recognizing further the significant challenges your Department faces in its efforts to implement healthcare reform, we are perplexed by your decision to move forward with such a proposal. Given the overwhelming evidence that all six classes of the current six protected classes policy are appropriate and necessary to ensure clinically necessary access to needed medications, we urge you to maintain this important policy and not finalize this proposed rule.

Thank you for your prompt attention to this critical matter. We look forward to your response.

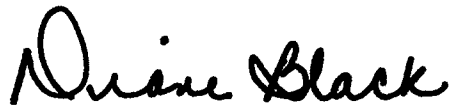
Sincerely,



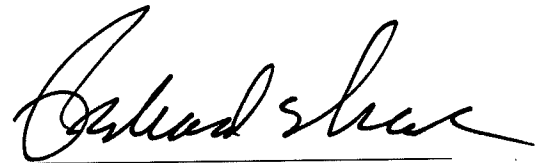
Leonard Lance  
Member of Congress



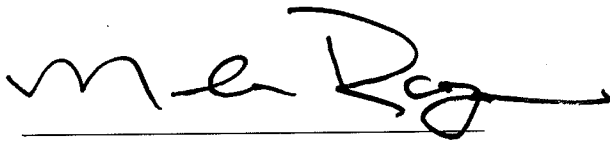
Gene Green  
Member of Congress



Diane Black  
Member of Congress



Richard Neal  
Member of Congress



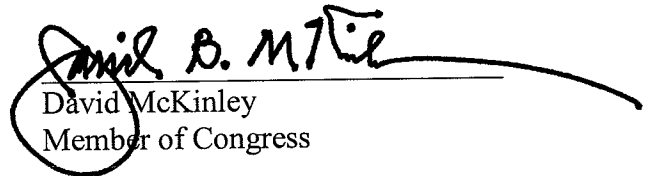
Mike Rogers  
Member of Congress



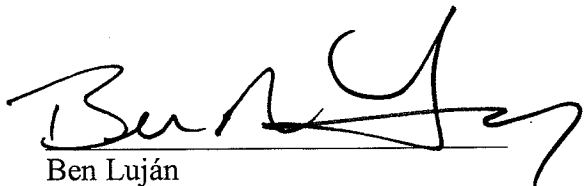
Pat Tiberi  
Member of Congress



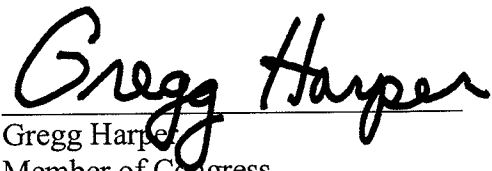
Earl Blumenauer  
Member of Congress



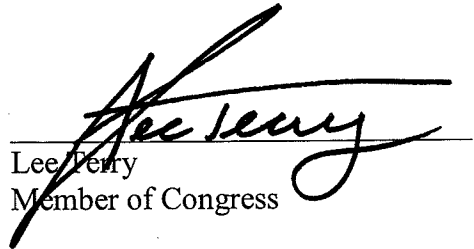
David McKinley  
Member of Congress



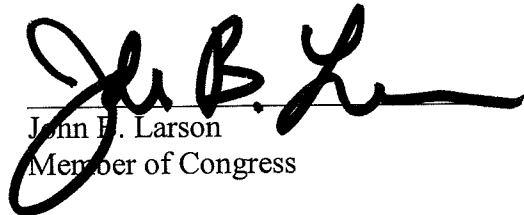
Ben Luján  
Member of Congress



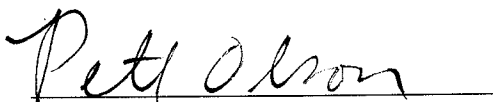
Gregg Harper  
Member of Congress



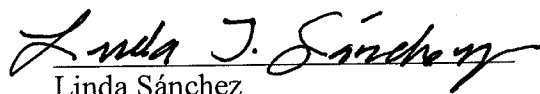
Lee Terry  
Member of Congress



John F. Larson  
Member of Congress



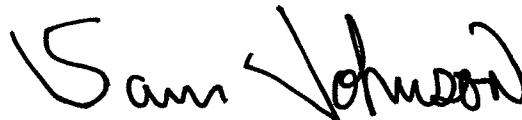
Pete Olson  
Member of Congress



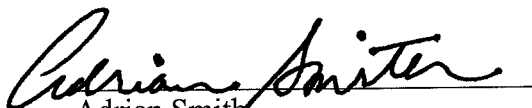
Linda Sánchez  
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Mike Pompeo  
Member of Congress



Sam Johnson  
Member of Congress



Adrian Smith  
Member of Congress



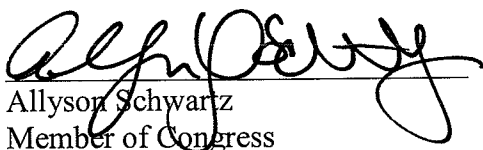
Bill Pascrell, Jr.  
Member of Congress



Erik Paulsen  
Member of Congress



Brett Guthrie  
Member of Congress



Allyson Schwartz  
Member of Congress



Tim Griffin  
Member of Congress



Billy Long  
Member of Congress



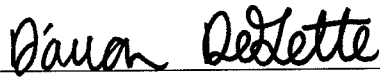
Devin Nunes  
Member of Congress



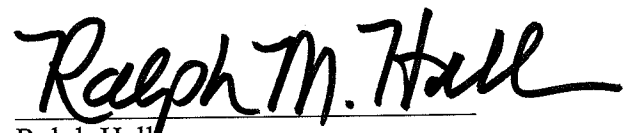
Paul Tonko  
Member of Congress



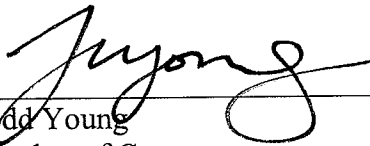
Jim Matheson  
Member of Congress



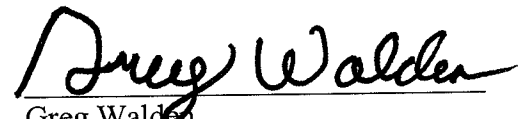
Diana DeGette  
Member of Congress



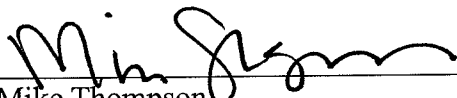
Ralph Hall  
Member of Congress



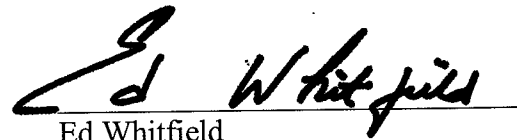
Todd Young  
Member of Congress



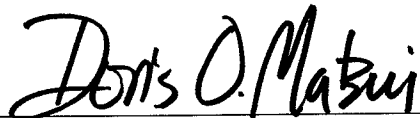
Greg Walden  
Member of Congress



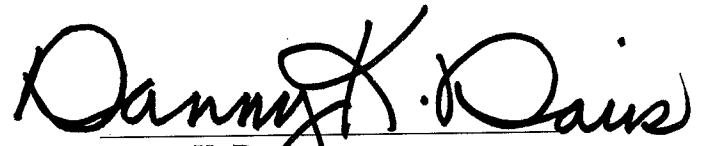
Mike Thompson  
Member of Congress



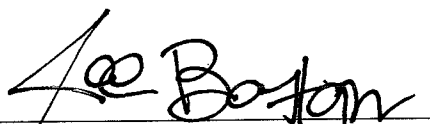
Ed Whitfield  
Member of Congress



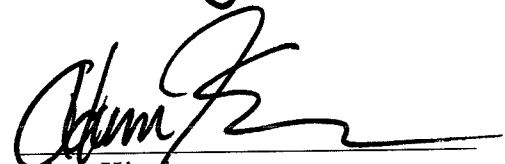
Doris Matsui  
Member of Congress



Danny K. Davis  
Member of Congress



Joe Barton  
Member of Congress



Adam Kinzinger  
Member of Congress



Kenny Marchant  
Member of Congress



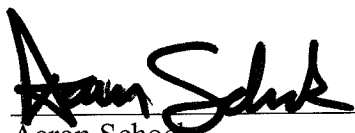
Gus Bilirakis  
Member of Congress



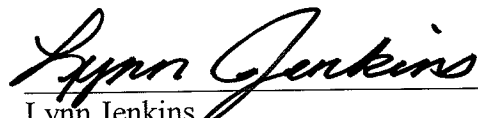
Bill Cassidy  
Member of Congress



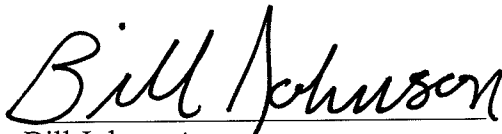
Lois Capps  
Member of Congress



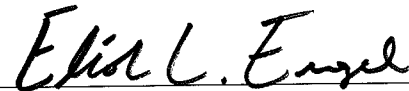
Aaron Schock  
Member of Congress



Lynn Jenkins  
Member of Congress



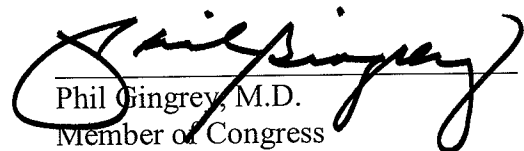
Bill Johnson  
Member of Congress



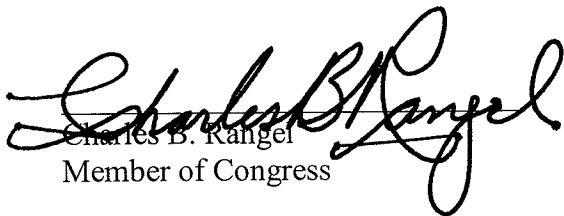
Eliot L. Engel  
Member of Congress



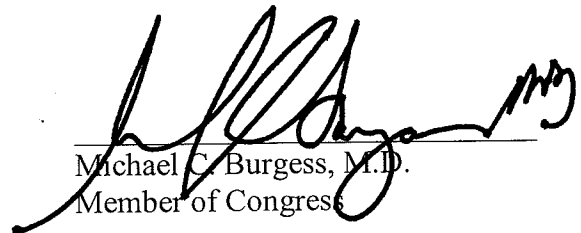
Renee Ellmers  
Member of Congress



Phil Gingrey, M.D.  
Member of Congress



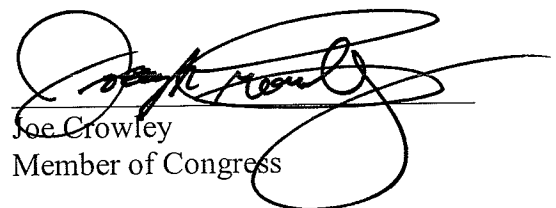
Charles B. Rangel  
Member of Congress



Michael C. Burgess, M.D.  
Member of Congress



Anna G. Eshoo  
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Joe Crowley  
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