

Notice of Informational Hearing

Under COMAR 14.01.05.04D(1), the Board, through staff, is convening two informational hearings to receive **input, information, and opinions from the public and stakeholders** to assist the Board in developing policy to address the affordability challenges created by the use of Farxiga and Jardiance.

Informational Hearings:

September 3, 2025

1:00 p.m.

Virtual Hearing via Zoom

September 3, 2025

6:00 p.m.

Virtual Hearing via Zoom

Registration to Attend/Observe Hearing

A person may register to attend/observe any or all of the scheduled hearings. However, **a person may only register to speak at a single hearing** to allow other interested persons an opportunity to speak.

Any person wishing to attend the September 3, 2025 1:00 p.m. hearing may register [here](#).

Any person wishing to attend the September 3, 2025 6:00 p.m. hearing may register [here](#).

After registering, you will receive a confirmation email with information about joining the hearing.

Registration to Provide Testimony

A person who wishes to provide input, information and opinions by testifying at the hearing shall register [here](#) (by google form), **by close of business Thursday August 28, 2025**. The person shall provide their name, address, email, phone number, employer or professional organization (if speaking on an organization's behalf), identify the hearing at which they wish to speak, and the topics listed below or any other topic that the person wishes to address.

Hearing Mechanics

A specified time limit for testimony has not been set. However, depending on the number of speakers, a reasonable time limit for testimony may be established.

An individual with a disability should contact the Board as soon as possible regarding the need for any accommodation. The Board provides reasonable accommodations for individuals with disabilities with reasonable advance notice.

Call for Testimony and Information

These informational hearings are scheduled to receive input, information, and opinions from the public and stakeholders to help the Board identify and develop policies to address the affordability challenges created by the use of Farxiga and Jardiance. The circumstances under which these prescription drug products have led to affordability challenges include:

- the percentage change in WAC over time is substantially larger than the percentage change in inflation (rate of increase in inflation) (both drugs);
- at the 90 percentile, patient out of pocket (OOP) costs in certain markets is disproportionate to the net cost paid by payors (both drugs);
- total gross spending for Farxiga for state and local governments exceeds 1% of gross prescription drug spend for state and local governments; and
- total gross spending for Jardiance for state and local governments exceeds 1.8% of gross prescription drug spend for state and local governments.

The Board has identified the following questions, topics or matters about which the Board would like to receive information in the informational hearings.

Although these are mostly technical topics, the Board welcomes all public input to help the Board understand these affordability challenges and identify policies to help make prescription drugs affordable.

Explanatory Definitions

“Driver” means a factor that causes a particular phenomenon to happen or develop.

“Real-time benefit tool” means a tool that displays out-of-pocket drug cost estimates in the electronic health record (EHR) at the point of prescribing.

“Deductible smoothing” is a Medicare Part D Program to help beneficiaries manage their out-of-pocket prescription drug costs. This plan allows beneficiaries to spread their costs evenly throughout the calendar year, rather than paying them upfront at the point of sale.

Topic One - Patient Experience

1. Please describe your experience accessing and paying for Farxiga and/or Jardiance.
2. Have you used any programs or tools to help you afford the drug, such as a patient assistance program, discount program, savings programs, or coupon programs? If so, please describe your experience.
3. What policies do you think could help you access and afford Farxiga and/or Jardiance?

Topic Two - Clinician Experience

1. What are the key factors you consider in prescribing Farxiga and/or Jardiance for your patients?
2. Describe your experience with any real-time benefit tool. Would you use a real-time benefit tool if available?
3. What are the barriers to the adoption and utilization of real-time benefit tools?
4. What do you do when your patient tells you that they cannot afford their drug?

5. What policies could help your patients access and afford Farxiga and/or Jardiance?

Topic Three - Drivers and Policies to Address Drivers

1. What driver(s) caused or contributed to each circumstance? Please explain how that driver works and how it contributed to the circumstance
2. What information demonstrates or supports the existence of this driver?.
3. What policies could address this driver?

Topic Four- Wholesale Acquisition Cost (WAC) Increases

1. How do minimum rebate guarantees under PBM contracts impact the WAC?
2. How does the WAC, and potential increases in the WAC, impact PBM-manufacturer negotiations?

Topic Five - Exploring Some Identified Policy Options

1. What policies would ensure that patients with high deductibles and coinsurance rates are not paying a large proportion of the net cost of the drug?
2. What are the barriers to the adoption and utilization of real-time benefit tools?
3. What are the barriers to the adoption, enrollment and utilization of deductible smoothing under Medicare Part D?
4. How might WAC inflation penalties (charges for manufacturers for increasing WAC faster than inflation) disincentivize WAC increases?
5. What changes to PBM contracts would discourage WAC increases?
6. How might a UPL change the incentives for WAC increases?
7. How would the application of a UPL to the drug impact the formulary placement of the drug?