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May 7, 2024

Maryland Prescription Drug Affordability Board
16900 Science Dr., Suite 112-114
Bowie, MD 20715

Dear PDAB Board Members:

AARP Maryland congratulates the board on moving forward with proposals to do cost reviews on prescription drugs that are widely used, very expensive, and pose extreme hardship for state residents who cannot afford them. And we support going ahead with cost reviews on all eight drugs selected if the PDAB would use as the Upper Payment Limit (UPL) for the two of those drugs that are in the initial group slated for Medicare price negotiation beginning in 2026 whatever price the federal government will pay as a result of those negotiations.

As we have noted in comments before, the approximately 850,000 AARP members in Maryland, who are 50 years old or older, have been disproportionately affected by high prices on vital Rx drugs. They need prompt assistance in affording these drugs, and the potential UPLs on key Rx drugs that are both widely used and very costly offer perhaps the best chance of furnishing this help.

With this in mind, we are concerned with some of the initial written public comments about the cost-review drugs sent to the PDAB's Stakeholder Council, on which our lead health care advocacy volunteer Jim Gutman serves as a public member. In particular, several patient-advocacy organizations that derive a substantial portion of their budgets from financial assistance made in various forms by the pharmaceutical industry are warning of problems regarding "access" to the drugs under consideration if cost reviews go ahead. In some cases, the phrasing they are using in these warnings is nearly identical to that used by pharmaceutical companies both in the past and in their most recent comments.

To be clear, there has been no evidence presented in any state pursuing cost reviews of prescription drugs that such reviews will lead to those specific drugs becoming unavailable. Indeed, there are statutes requiring pharmaceutical producers who advertise a drug in a state including via multistate television ads to continue furnishing that drug there. And contentions by pharmaceutical producers that the principal cause of affordability issues is rebates that they have to pay to middlemen in the drug-distribution process ring hollow when the industry refuses to disclose the amounts of the rebates they pay to the various entities in that process.

For those and many other reasons, AARP Maryland urges the PDAB to continue its meticulously planned development of cost-review studies that can lead to UPLs.

Sincerely,

A handwritten signature in black ink, appearing to read "Hank Greenberg", written over a large, faint, light-gray watermark of the word "AARP" in the background.

Hank Greenberg
AARP Maryland State Director