

# 55 Conservative Groups & Activists Oppose HHS Advanced Notice of Proposed Rule Making: International Pricing Index Model for Medicare Part B Drugs [CMS-5528]

28 November, 2018

The Honorable Alex Azar  
Secretary  
Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Secretary Azar:

We write in opposition to the administration's Advanced Notice of Proposed Rule Making (ANPRM) to create an "International Pricing Index" (IPI) payment model for drugs administered under Medicare Part B.

**The proposed payment model imports foreign price controls into the U.S. by modifying the Part B reimbursement rate so that it is calculated based off the prices set by 14 countries.**

Instead of relying on government price setting, Medicare Part B is currently calculated based on market prices. The formula, which is based on the "Average Sales Price" (ASP) in the U.S. market, includes the discounts negotiated between payers, hospitals and health plans. Recently this system led to a 0.8 percent [decrease](#) in the cost of the top 50 Part B drugs.

In contrast, foreign countries frequently utilize a range of arbitrary and market-distorting policies to determine the cost of medicines – by definition such approaches are price controls. There is no negotiation and foreign governments often force innovators to accept lower prices in a "take-it-or-leave it" proposition. This results in reduced or [restricted access](#) to new medicines and higher prices for those medicines that enter the market.

**Conservatives have long opposed price controls** because they utilize government power to forcefully lower costs in a way that distorts the economically-efficient behavior and natural incentives created by the free market.

When imposed on medicines, price controls suppress innovation and access to new medicines. This deters the development and supply of new life saving and life improving medicines to the detriment of consumers, patients, and doctors.

**The U.S. is a world leader in research & development because the system of healthcare rejects price controls and encourages innovation.** As a result, a majority of new medicines are [developed](#) and [launched](#) in America.





This innovative environment is enormously beneficial to the long-term well-being of Americans and the efficiency of the U.S. healthcare system. In addition, the investment required for research and development of medicines leads to more high-paying jobs and a stronger economy.



Importing price controls will undermine this system by basing U.S. prices on the prices of socialized foreign healthcare systems. This will inevitably suppress innovation and harm American competitiveness.



Ironically, the administration recognized the damage that adopting foreign pricing would have on American innovation in a [report](#) released in February 2018 by the president’s Council of Economic Advisors:



“If the United States had adopted the centralized drug pricing policy in other developed nations twenty years ago, then the world may not have highly valuable treatments for diseases that required significant investment.”

**We are also concerned that the IPI is being proposed through the Obamacare Center for Medicare and Medicaid Innovation (CMMI).** There is long standing [conservative](#) opposition to CMMI based on the concern that it bypasses Congress’ power over the purse as enshrined in Article I of the constitution.



CMMI is completely exempt from the Congressional appropriations process and is prone to being misused in ways that result in the executive branch of government usurping Congress’ role in setting policy.



The administration has repeatedly acknowledged that foreign price controls have damaged medical innovation.



Instead of fighting these price controls, we are concerned that the proposed International Pricing Index adopts them. This proposal will suppress competition and innovation and harm American competitiveness and investment.



We respectfully request that your department withdraw this proposal.

Sincerely,



Grover Norquist  
President, Americans for Tax Reform

Dick Patten  
President, American Business Defense Council



James L. Martin  
Founder/Chairman, 60 Plus Association

Phil Kerpen  
President, American Commitment



Saulius “Saul” Anuzis  
President, 60 Plus Association

Dan Schneider  
Executive Director, American Conservative Union



Steve Pociask  
President, American  
Consumer Institute

Chip Faulkner  
Chair, Citizens for Limited Taxation



Lisa B. Nelson  
CEO, American Legislative  
Exchange Council

Iain Murray  
Vice President for Strategy  
Competitive Enterprise Institute



Dee Stewart  
President, Americans for a  
Balanced Budget

Matthew Kandrach  
President, Consumer Action for a  
Strong Economy (CASE)



Rick Manning  
President, Americans for  
Limited Government

Fred Roder  
Health Economist/Managing  
Director, Consumer Choice Center



Andrew F. Quinlan  
President, Center for  
Freedom and Prosperity

Yaël Ossowski  
Deputy Director, Consumer Choice  
Center



Ryan Ellis  
President, Center for a Free  
Economy

James Edwards  
Executive Director, Conservatives  
for Property Rights



Jeffrey Mazzella  
President, Center for  
Individual Freedom

Joel White  
President, Council for Affordable  
Health Coverage



Ginevra Joyce-Myers  
Executive Director, Center  
for Innovation and Free  
Enterprise

Katie McAuliffe  
Executive Director, Digital Liberty



Peter J. Pitts  
President and Co-founder,  
Center for Medicine in the  
Public Interest

Robert Roper  
President, Ethan Allen Institute

Palmer Schoening  
President, Family Business Coalition



Thomas Schatz  
President, Citizens Against  
Government Waste

Richard Watson  
Co-Chair, Florida Center-right  
Coalition

Adam Brandon  
President, FreedomWorks



George Landrith  
President, Frontiers of  
Freedom

Charles Sauer  
Founder/President, Market Institute



Grace-Marie Turner  
President, Galen Institute

Kevin Waterman  
Co-Chair, Maryland Center-right  
Coalition



Naomi Lopez Bauman  
Director of Healthcare  
Policy, Goldwater Institute

Ted Tripp  
Chair, Massachusetts Center-right  
Coalition



Mario H. Lopez  
President, Hispanic  
Leadership Fund

Tim Jones  
Chair, Missouri Center-right  
Coalition  
Former Speaker, Missouri House of  
Representatives

Linda Gorman  
Health Care Policy Center  
Director, Independence  
Institute

Pete 1986Sepp  
President, National Taxpayers Union



Carrie Lukas  
President, Independent  
Women's Forum

Stephen Stepanek  
Co-Chair, New Hampshire Center-  
right Coalition



Heather R Higgins  
CEO, Independent Women's  
Voice

Jack Boyle  
Executive Director, Ohioans for Tax  
Reform



Tom Giovanetti  
President, Institute for Policy  
Innovation

Jeff Kropf  
President, Oregon Capitol Watch  
Foundation



Colin Hanna  
President, Let Freedom Ring

Sally Pipes  
President, Pacific Research Institute

Seton Motley  
President, Less Government

Ed Martin  
President, Phyllis Schlafly Eagles



Mary Adams  
Chair, Maine Center-right  
Coalition

Lorenzo Montanari  
Executive Director, Property Rights  
Alliance



Paul Gessing  
President, Rio Grande  
Foundation

David Williams  
President, Taxpayers Protection Alliance



Karen Kerrigan  
President/CEO, Small  
Business & Entrepreneurship  
Council

Sara Croom  
Executive Director, Trade Alliance to  
Promote Prosperity

C. Preston Noell III  
President, Tradition, Family, Property, Inc.

