

# Federal Legislative Alert

January 28, 2009

## ACTION NEEDED

Tennessee Pharmacists Association  
500 Church Street, Suite 650, Nashville, TN 37219  
615-256-3023 Fax 615-255-3528  
www.tnpharm.org tpa@tnpharm.org

---

---

### Ask your U.S. Representative to Co-Sponsor and Support H.R. 616

---

---

**About the Bill:** On January 21st, Congressman Marion Berry (D-AR) and Congressman Jerry Moran (R-KS) introduced H.R. 616, which would exempt pharmacists and pharmacies from the Centers for Medicare and Medicaid Services (CMS) Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) accreditations requirement, to ensure patients have continued access to quality care.

**Background:** Community pharmacists are the only licensed health care professionals supplying DMEPOS who must meet the new accreditation requirements of Medicare Part B as finalized by CMS last fall. H.R. 616 contains language exempting pharmacists from what would be a time-consuming, expensive, unnecessary and redundant rule, finalized by CMS last fall. Under this bill, pharmacists would join the 17 other health care professionals, such as physicians, nurses and opticians, who already must meet certain quality standards and are conditionally exempted by CMS. CMS provides no valid reason why state-licensed pharmacists should not also receive this exemption.

The National Community Pharmacists Association (NCPA), American Pharmacists Association (APhA), National Association of Chain Drug Stores (NACDS), Food Marketing Institute (FMI), Tennessee Pharmacists Association (TPA), and all other state pharmacy associations are supporting and working toward passage of this important legislation. All of these organizations laud the introduction of this legislation and commend Reps. Berry and Moran for their leadership in helping find a legislative solution to what could become a patient access problem.

**Action Needed:** Please take a moment to contact your U.S. Representative to urge his or her support and co-sponsorship of H.R. 616., which will allow pharmacists to continue to provide medical supplies to patients.

To learn who your U.S. Representative is and how to contact him or her, visit [www.congress.org](http://www.congress.org), type your zip code in the "Enter Your ZIP Code" box on the right, and click Go. On the page listing your elected officials, be sure to click your U.S. Representative (under "President & Congress").

#### Talking Points:

- Community pharmacies should not be the only licensed healthcare providers burdened with these accreditation requirements.
- Community pharmacists possess professional training and expertise. As state-licensed healthcare professionals, they and their businesses are already subject to government regulations and oversight and would incur civil and criminal sanctions for violations.
- In addition, the accreditation fees, training and implementation costs are projected to total at least \$5,000 to \$7,000 over three years, which is cost prohibitive for pharmacists. Many pharmacies may be forced to discontinue carrying DMEPOS because, with the low margin on the DMEPOS supplies, income from their DMEPOS is not at a level to support such costs. Patients in under-served communities will have to travel much longer distances to get these services, or even be forced to use mail order and internet operations, where fraud is more prevalent. If pharmacies stop providing these DMEPOS services, patients will lose access to pharmacists' advice and expert training, which could dramatically undermine the potential benefits of these medical supplies.
- DMEPOS provided by pharmacists include: diabetic test supplies, ostomy supplies, canes, walkers, wheelchairs, portable commodes, compression hose, mastectomy prosthetics, neck and body orthotics, wound care and other products and services vital for patients.
- CMS should expel and prosecute fraudulent suppliers instead of imposing unnecessary costs upon legitimate, licensed health care professionals who are helping patients. To ensure patients have continued access to quality care, pharmacists and pharmacies must be exempted from the new CMS accreditation requirements, just like the other already-exempted professionals.

**The Ask:** Please co-sponsor H.R. 616, which will allow pharmacies to continue to provide medical supplies to patients.