

November 10, 2015

Dear Senator:

The undersigned organizations **urge you to co-sponsor S. 1488, the Part D Beneficiary Appeals Fairness Act**, bipartisan legislation introduced by Senators Bill Nelson (D-FL) and Susan Collins (R-ME). This legislation ensures that seniors and persons with disabilities who face the high cost of specialty tier drugs under Medicare Part D have the right to appeal for lower cost sharing.

CMS allows insurers providing Medicare Part D coverage to place medications in a tiered system, including a specialty tier for prescription drugs costing over \$600. Specialty tier medications provide some of the most important treatments available for diseases such as cancer, multiple sclerosis, osteoporosis, and arthritis.

While Medicare Part D plans have a flat copayment rate for other drug tiers, on the specialty tier, plans can require beneficiaries to pay 25 to 33 percent of the drug's total cost. All too often, these expenses result in beneficiaries going without vital treatment. According to the Government Accountability Office, 55 percent of those who needed specialty-tier prescription drugs reached Part D's catastrophic coverage threshold compared to only 8 percent of all Part D beneficiaries who did not use a specialty tier medication.

When medically necessary, Medicare beneficiaries have the right to request that their plan allow them to pay less for high-cost medications when a similar, lower-cost medicine is available on their plan's formulary—this is known as a tiering exception. Unfairly, these same rights are not granted to beneficiaries whose prescription drugs are placed on the plan's specialty tier. This legislation rights that wrong by allowing those Medicare beneficiaries who face potentially catastrophic costs for medicines on the specialty tier to request a tiering exception.

This year will mark the first time in history that all stand-alone Medicare Part D plans will have a specialty tier for these high-cost drugs, according to Avalere Health. Now, more than ever, is a critical time to give seniors and persons with disabilities the ability to seek a cost sharing exception for their treatments on a plan's specialty tier.

Please co-sponsor S. 1488, the Part D Beneficiary Appeals Fairness Act, today. If you have any questions, please contact David Goldfarb at [dgoldfarb@naela.org](mailto:dgoldfarb@naela.org).

Sincerely,

AARP  
Aging Life Care Association  
Alliance for Retired Americans  
Alzheimer's Association  
American Society on Aging  
B'nai B'rith International  
Center for Medicare Advocacy

Families USA  
Justice in Aging  
LeadingAge  
Lutheran Services of America  
Medicare Rights Center  
National Academy of Elder Law Attorneys  
National Adult Day Services Association  
National Association of Area Agencies on Aging (n4a)  
National Association of Nutrition and Aging Services Programs  
National Association of Social Workers (NASW)  
National Association of State Long-Term Care Ombudsman Programs  
National Committee to Preserve Social Security and Medicare  
National Consumer Voice for Quality Long-Term Care  
National Council on Aging  
OWL-The Voice of Women 40+  
The Center for Elder Care and Advanced Illness