



ALLIANCE FOR

Balanced Pain Management

October 4, 2020

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1734-P
P.O. Box 8013
Baltimore, MD 21244-1850

Re: Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies.

Dear Administrator Verma:

The Alliance for Balanced Pain Management (AfBPM) appreciates the opportunity to comment on the Center for Medicare and Medicaid Services' (CMS'/the Agency's) Medicare Program; CY 2021 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies.

About the Alliance for Balanced Pain Management

The Alliance for Balanced Pain Management is a diverse collective of national health care advocacy groups, patient organizations, professional physician's groups, industry representatives and other pain stakeholders. AfBPM's mission is to advocate for balanced, patient-centered pain management by supporting organizations and individuals who share a common goal to reduce pain, reduce medicine abuse and improve care. This can be accomplished through a comprehensive, integrative, balanced approach that addresses the physical, emotional and social components of pain.

Patient-Centered Pain Care

Addressing the different facets of pain often requires a multi-prong approach. Balanced pain management encompasses multimodal analgesia for the treatment of acute pain as well as integrated care for the treatment of chronic pain.

A wide array of treatment options must be available including pharmacological treatments such as over-the-counter analgesics, prescription non-opioid analgesics, and non-pharmacological treatment strategies ranging from physical therapy to psychological treatments, supported by complementary approaches like nutrition counseling, therapeutic massage, biofeedback and acupuncture.

There are many effective methods of treating pain, but far too often patients and their practitioners find their choices are limited by access barriers and one-size-fits-all insurance coverage. They may be compelled to rely solely on opioids, which may not be the best way to manage a patient's pain. Alternative therapies should also be available so health care providers can find the pain management solution that works best for each unique patient.

Innovative pain management therapies, many of which have received FDA approval as 505 (b) (2) drugs, play an increasingly important role in supporting personalized care by providing non-opioid treatment options. These treatments generally employ novel formulations of previously approved active ingredients that provide an important advance in the management of pain for millions of patients.

The proposed CMS rule impacting Medicare Part B drugs would provide CMS the ability to assign a 'multiple source drug' reimbursement code using a sliding cost scale based primarily on generic medications. Such an approach could often translate into less reimbursement for the medication than the actual cost of the 505 (b) (2) drug used. This will prevent the prescribing physician from recovering their costs of obtaining the drug, resulting in a financial loss and added cost to their practice, discouraging use. It also puts the physician in a position of having to use a different, likely older drug without the innovative properties on account of cost alone, preventing the patient from benefiting from newer therapeutics for pain.

The collective result of such a policy will create a barrier to pain patients in accessing innovative pain treatments that currently serve as viable options over opioids, conflicting with the very purpose of the SUPPORT Act which recommends the use of non-opioid treatments.

Balanced pain management is essential to continuing to fight the opioid crisis while proactively managing pain, and we as a pain community feel that this is the wrong time to take a step back from incentivizing clinicians who seek to use opioid alternatives to treat pain.

Thank you for the opportunity to share our concerns about this proposed change, we welcome the opportunity to share our position with you live, via a virtual meeting, as you see appropriate.

Sincerely,

Alliance for Balanced Pain Management