



June 26, 2019

The Honorable Gavin Newsom
Governor of California
State Capitol Building
Sacramento, California 95814

Dear Governor Newsom:

We are writing to urge your Administration to take immediate action and rescind Department of Health Care Services (DHCS) Medi-Cal rules, which deny life-saving medicines to California's most vulnerable populations. These rules, promulgated by the Brown Administration, were implemented on May 31, 2019 and are devastating to patients and the community pharmacies like ours that today are the primary providers who provide access to these specialty treatments. As pharmacists who are severely impacted by these shortsighted rules, we hope your Administration will do the right thing for all Californians.

California should not be punishing its poorest residents. The state's most medically fragile Medi-Cal beneficiaries – roughly 3 million people – are disproportionately affected and stand to lose access to their essential, life-saving medicines including people who are battling:

- ***Cancer***
- ***HIV/AIDS***
- ***Behavioral health challenges, and***
- ***Seniors and disabled adults living in long-term care facilities***

California can do better. The federal Centers for Medicare and Medicaid Services (CMS) adopted a rule in June 2016 charging states with changing the methodology for how pharmacies are compensated for dispensing prescription medicine to Medicaid beneficiaries. To implement the new federal rule, CMS is requiring every state to adopt new reimbursement methodologies, but did not dictate how each state should establish or implement their programs.

Bureaucratic decision-making has human consequences. In response to the federal mandate, the California Department of Health Care Services (DHCS), under the Brown Administration, received approval from the Trump Administration in April 2017 for its questionable methodology, and implemented the new rules in February 2019. These new rules have already begun to result in catastrophic reductions to Medi-Cal reimbursement rates for hundreds of locally-owned, community pharmacies throughout California – including our own – that serve Medi-Cal patients.

Adding insult to injury through a draconian “clawback.” What's worse, is because DHCS took two years to implement their methodology, it has announced it will recalculate claims and pursue two years of retroactive recoupments from community pharmacies that currently serve Medi-Cal patients, back to April 2017.

A problem for all California. The Brown Administration's rules and two-year retroactive recoupments will have a catastrophic impact on the community pharmacies who currently serve Medi-Cal patients. For dozens of small, inner city and rural pharmacies, fair Medi-Cal reimbursement rates can be the difference between continued operation and closure and certainly will derail our ability to provide those specialty medications most in question. The implementation of the Brown Administration's rule threatens to cut off an essential lifeline for California's most vulnerable patients because these communities often have no



other way to get their medicines. We are already seeing the negative impacts. A recent survey of independent pharmacies found that more than 60 percent are considering closure or preparing to close as a result of these rules and nearly three-quarters are considering or preparing to stop serving Medi-Cal patients or dispensing specialty medication. The extenuating impact of this reduced access to care will result in higher health care costs for California as those fragile patients seek care in emergency departments, greater interactions with law enforcement and incarceration, and already taxed social service agencies.

Together, we can prevent a public health crisis. For a state that prides itself in leading in healthcare, this is a step backward and is inconsistent with the desire to expand Medi-Cal and achieve universal coverage. We hope you will join with us, intervene and prevent a public health crisis from developing as a result of these rules. From San Francisco to San Diego and in all parts of California, there will be casualties associated with this policy, unless your Administration steps in and makes a stand for access to life-saving medicines.

Sincerely,

477 California Pharmacists and Other Stakeholders and Interested Parties (next page)

cc:

Jennifer Kent
Director
California Department of Health Care Services

Secretary Mark Ghaly MD, MPH
California Health and Human Services Agency

Dr. Nadine Burke Harris
Surgeon General of California

Dr. Richard Pan
California State Senator, District 6
Chair, Senate Health Committee
Chair, Senate Budget Subcommittee No. 3 on Health and Human Services

Dr. Jim Wood
California State Assembly Member, District 2
Chair, Assembly Health Committee

Eloise Gómez Reyes
California State Assembly Member, District 47
Acting Chair, Assembly Budget Subcommittee No. 1 on Health and Human Services



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Palm Pharmacy

Vandana Parnami
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Komoto Pharmacy

Brian Komoto
Komoto Pharmacy

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Town Center Pharmacy

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Eric White
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Valley Pharmacy Services

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The Medicine Shoppe

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Regional Care Pharmacy

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Olympic Gerhart Pharmacy

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Discount Medical Pharmacy

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Portola Pharmacy

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Capitol Drugs

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Rajinder Rai
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Diana Moskovyan
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californians for access
to life-saving medicine
A PRESCRIPTION FOR FAIRNESS

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Cucamonga Community
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Delta Drugs

Ashajyoti Yelamanchili
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Kyle Anderson
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Jefferson Pharmacy

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Vitality Pharmacy

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Kauyee Vang Jefferson Pharmacy	Chi Nguyen Kim Pharmacy #3	Murali Kolla Oroville Care Pharmacy
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And Specialty Pharmacy

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James Lee
Blythe Mart Pharmacy

Jay Rakholia
All Care Pharmacy