



# Restore Flexibility to Allow Independent Physician Practices to Deliver Part D Drugs to Beneficiaries in their Home

FACT SHEET | SEPTEMBER 2024

## BACKGROUND

During the Covid-19 pandemic, the Centers for Medicare & Medicaid Services (CMS) issued a waiver of Stark law to allow physician practices to deliver Part D drugs to beneficiaries in their homes. This waiver authority was withdrawn when the public health emergency (PHE) ended.

Requiring patients to pick up their specialty medications at a physicians' office for chronic conditions can be prohibitive for rural patients, older patients, those who lack mobility or without transportation, those with rigid work schedules, and more.

The alternative is mail order and PBMs lack the ability to allow physicians to closely monitor their patients while on these drugs. Complex patients benefit when physician specialty teams are involved in their care.

Nurse navigators communicate with other providers and coordinate care.

- In-office dispensing of medications allow nurse navigators to communicate with other providers and help coordinate patient care by monitoring and mitigating medication side effects (clinically and via labs) and helping identify financial assistance and other support for patients facing expensive copayments.

## LEGISLATIVE SOLUTION

- The bipartisan *Seniors Access to Critical Medications* Act (H.R. 5526, S.3458) restores this flexibility and allows for physicians to resume mailing Part D drugs to their patients.
  - The House bill is led by Reps. Harshbarger (R-TN) and Wasserman-Schultz (D-FL), with 57 additional cosponsors.
  - The Senate bill is led by Sen. Blackburn (R-TN) and Sen. Sinema (I-AZ).
  - The House bill was favorably reported out of the U.S. House Energy and Commerce Committee with a recorded vote of 43-0 this summer, and should be included in consideration for a year-end healthcare package.

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