

February 22, 2024

Via Electronic Mail – dora_ins_pdab@state.co.us

Re: Colorado BioScience Association Urges the Prescription Drug Affordability Board to Carefully Consider How It Acts on the Directive to Consider Setting Upper Payment Limits (UPLs)

Dear Prescription Drug Affordability Board Members and Staff:

Last week, you made an unprecedented decision to deem one of the first three prescription drugs under your review unaffordable for Colorado patients. That decision has been scrutinized by patients and many other impacted stakeholders as rushed, informed by limited patient input and flawed data, and lacking clear understanding of why some patients are having difficulty accessing or affording the drug.

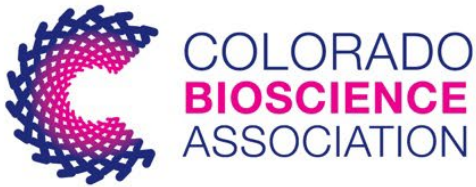
Tomorrow, just one week later, you are faced with another unprecedented decision to initiate rulemaking to set an upper payment limit (UPL) for that drug—a proposed solution that many understand will not change what most patients actually pay for their medicines.

Each of these decisions is first-of-its-kind in this country and risks serious unknown and unintended consequences for Colorado patients, prescribers, and health innovators. Tomorrow's decision is one that must not be rushed or made prematurely without adequate economic study and absolute confidence in the real impacts of this decision on patient out-of-pocket costs, on access disruptions, and on investment in innovation.

Affordability is a complex issue which looks different for each patient dependent on a multitude of factors, including income level, other financial burdens, treatment options, insurance coverage and plan design, discounts or other patient assistance programs, etc.

Colorado's life sciences community and our state leaders share an unwavering commitment to improving patient lives. We all agree—patients need access to effective, affordable medicines. However, a one-size-fits-all UPL is the wrong solution for Colorado patients. To truly accomplish the PDAB's charter of making drugs more affordable and accessible for Coloradans, we must work collaboratively on calculated solutions that simplify and transform the whole complex drug pricing supply chain, which also includes wholesalers, pharmacy benefit manufacturers (PBMs), and insurance companies, each taking substantial cuts on every drug dispensed or administered to patients. We must consider and balance the intersection of cost, access, and innovation.

Because the Board has been directed by the legislature to *consider* setting UPLs on drugs to lower costs for consumers and to “ensure they can access prescription drugs necessary for their health,” the Board has the responsibility to determine whether setting a UPL on a drug will actually accomplish those goals.



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Pushing fast-paced, unprecedented change in a complex healthcare system that has been broken for decades without adequate modeling and economic study of the ripple effects risks serious unintended consequences for patients, our state, and the rest of our country, which is now looking to follow Colorado's lead on drug pricing. It risks harming patients with reduced access to needed medicines, threatening investments in development of new, innovative therapies, and disrupting our momentum as a world-class health innovation ecosystem.

Throughout the Board's selection and review of the first three drugs that have undergone an affordability review, we, along with many other stakeholders, have repeatedly raised concerns about reliance on flawed, incomplete data and misunderstandings, lack of transparency and consistency in process, and disparate treatment of the drugs.

When considering whether to set the very first upper payment limit on a prescription drug, the Board must tread carefully to ensure Colorado does not harm patients in its quest to be the first in the nation to implement this experimental program.

We appreciate your efforts to help Colorado patients access effective, affordable medicines. We also implore you to slow down to fully study and understand the implications of your decision and the economics of the entire drug supply chain before deciding whether to set an artificial price cap on a drug that thousands of chronically ill Colorado patients rely on to treat life-altering symptoms of debilitating medical conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elyse Blazeovich'.

Elyse Blazeovich
President and CEO
Colorado BioScience Association