



December 12, 2018

Alex M. Azar II, Secretary
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-4187-P
P.O. Box 8013
Baltimore, MD 21244-8013

Dear Secretary Azar:

On behalf of the American Academy of Family Physicians (AAFP), which represents 131,400 family physicians and medical students across the country, I write in response to the [proposed rule](#) titled, “Medicare and Medicaid Programs; Regulation to Require Drug Pricing Transparency,” as published by the Centers for Medicare & Medicaid Services (CMS) in the October 18, 2018, *Federal Register*.

CMS proposes to amend the Medicare Parts A, B, C, and D programs and the Medicaid program to require direct-to-consumer (DTC) television advertisements of prescription drugs and biological products to include the Wholesale Acquisition Cost (WAC, or “list price”). **The AAFP wholeheartedly supports the policy objective of ensuring beneficiaries are provided with relevant information about the costs of prescription drugs and biological products.** The inclusion of the list price in DTC advertisements will allow patients to make more informed decisions that minimize their out-of-pocket costs and total expenditures borne by Medicare and Medicaid.

It is the AAFP’s [policy](#) to support efforts by manufacturers of prescription pharmaceuticals, nonprescription medications, health care devices and health-related products and services to provide general health information to the public. The AAFP believes DTC advertising of these products and services is acceptable when the following conditions are met:

- Advertisements must conform to applicable laws, including FDA and/or FTC guidelines.
- Advertisements must be labeled as such.
- Information should be accurate, balanced, objective, and complete, not false or misleading, and should not promote unhealthy or unsafe practices.
- **Patients must be provided with clear and accurate cost information on products, including compounded medications.**
- If specific properties or indications are mentioned, then negative or adverse reactions and effects should likewise be mentioned, in a manner that is equitable in respect to time, font size, speed of information, etc., to ensure information is accessible and understood by the consumer.
- Advertisements should not promote the use of products that have addictive or abuse potential.

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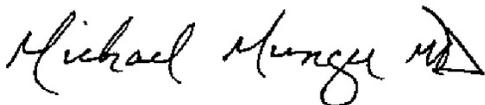
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- The AAFP considers it inappropriate and unethical for an advertiser to act as a referring agent, due to the consumer's lack of awareness of any potential conflict of interest associated with such a referral. If advertisements direct the consumer to a physician, referral should be to the consumer's family or personal physician.

The AAFP defines [transparency](#) in health care as referring to the reporting of information which can be easily verified for accuracy. Both data and process should have transparency and an explicit disclosure of data limitations.

We appreciate the opportunity to provide these comments. Please contact Robert Bennett, Federal Regulatory Manager, at 202-232-9033 or rbennett@aafp.org with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Michael Munger MD". The signature is written in a cursive style with a stylized "M" and "D".

Michael L. Munger, MD, FAAFP
Board Chair

About Family Medicine

Family physicians conduct approximately one in five of the total medical office visits in the United States per year—more than any other specialty. Family physicians provide comprehensive, evidence-based, and cost-effective care dedicated to improving the health of patients, families, and communities. Family medicine's cornerstone is an ongoing and personal patient-physician relationship where the family physician serves as the hub of each patient's integrated care team. More Americans depend on family physicians than on any other medical specialty.