



# AMERICAN BENEFITS COUNCIL

## Benefits Briefing:

### Proposed HHS Prescription Drug Rebate Rule

### and Similar Proposed Legislation for Private Health Coverage

**Tuesday, March 19, at 2:00 – 3:15 p.m. ET**

The American Benefits Council will hold a **Benefits Briefing webinar** on **Tuesday, March 19, at 2:00 to 3:15 p.m. Eastern Time** to discuss U.S. Department of Health and Human Services (HHS) [proposed regulations](#) that would change safe harbor protections for prescription drug rebates to encourage discounts to the patient at the point of sale. Legislation that would apply similar rules to private health insurance has recently been introduced.

In this webinar, moderators *Kathryn Wilber*, senior counsel, health policy, and *Ilyse Schuman*, senior vice president, health policy, will be joined by [Seth Perretta](#), [Lisa Campbell](#) and [Ryan Temme](#) of Groom Law Group, who will provide information on the proposed HHS prescription drug rebate rule and [recent legislation](#), introduced by Senator Mike Braun (R-IN), which would apply similar rules to the private insurance market, and further discuss the implications of these proposals.

We will solicit feedback and take questions from webinar participants throughout the session. Members are encouraged to [submit questions for the webinar in advance](#).

## Background

According to an HHS [fact sheet](#), the proposed Medicare drug rebate rule would:

- “address a perverse incentive identified by the Department by expressly excluding from safe harbor protection under the Anti-Kickback Statute rebates on prescription drugs paid by manufacturers to pharmacy benefit managers (PBMs), Part D plans, and Medicaid managed care organizations.”
- “would create a new safe harbor protecting discounts offered to patients at the pharmacy counter.”
- “would create new safe harbor protection for fixed fee services arrangements between manufacturers and PBM.”

The HHS proposed regulations would apply to federal healthcare programs. Sen. Braun recently introduced [S.657](#), legislation that is intended to extend similar rules to health insurance policies and

employer-sponsored health coverage. As with the proposed HHS regulations, the goal of S.657 is to lower prescription drug prices and encourage drug manufacturers to offer discounts that would directly benefit patients by lowering out-of-pocket costs “at the pharmacy counter.”

The Council submitted comments on HHS’ [Blueprint to Lower Drug Prices and Reduce Out-of-Pocket Costs](#) to share employer innovations and strategies designed to manage overall drug costs while still ensuring that their employees and the employees’ dependents have broad access to needed drugs and services (see the [July 17, 2018, Benefits Byte](#) for more detail).

***For questions related to registration – If you have colleagues at your organization who would like to participate in this session, but do not regularly receive Council materials, please contact [Deanna Johnson](#), senior director, membership, [Sondra Williams](#), manager, member and staff engagement, or [Mary Lindsay](#), executive assistant, at (202) 289-6700.***

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