



July 23, 2024

The Honorable James Comer  
Chairman, House Committee on Oversight  
and Accountability  
2410 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jamie Raskin  
Ranking Member, House Committee on  
Oversight and Accountability  
2242 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Comer and Congressman Raskin:

On behalf of the National Consumers League, America's oldest consumer advocacy organization protecting and promoting social and economic justice for consumers and workers in the United States, we respectfully write to share our concerns regarding pharmacy benefit managers (PBMs) as a driver in the increasing out-of-pocket healthcare costs for American consumers and patients. As you prepare to hear testimony from top executives of Express Scripts, CVS Caremark, and Optum Rx, we want to commend you for investigating the role health plans in driving up costs for prescriptions for patients, employers and government programs. We also encourage you to make policy changes to help ensure that employers and patients have access to affordable and accessible healthcare services at the pharmacy counter.

Alongside you, and your colleagues in Congress, the Federal Trade Commission, Department of Justice, national media outlets and many other entities continue to identify ways PBMs are increasing prescription drug costs and hindering patient access to the medicines American's need. While industry leaders are in front of the Committee, we suggest that the Committee include questions within the following topics:

- Driving up out-of-pocket costs. In one tragic example, [a young Wisconsin man with severe asthma died](#) after he was informed at the pharmacy that his inhaler was no longer covered by insurance and he couldn't afford the out-of-pocket cost.
- The role of PBMs in keeping [lower-cost generics](#) off of formularies for Medicare beneficiaries, pushing seniors to more expensive drugs, which PBMs had negotiated higher profits for itself.
- [Collecting fees](#) from pharmacies filling Medicare prescriptions. This can result in forcing trusted, and long-established local pharmacies out of business.
- Charging vastly different amounts to plan sponsors for the same medications, during the same timeframe.
- [Funneling cost savings](#) through internationally located affiliates in order to limit the ability of promised savings from reaching their clients.
- Reimbursing pharmacies increasingly less and employers increasingly more for prescriptions. According to a [recent study](#) in Washington state, plan sponsor (employer) costs increased by 30% while commercial pharmacy reimbursement decreased by 3% between 2020-2023.

We are concerned that these anti-consumer practices are putting the profits of insurance companies and their PBMs before patients, local pharmacies, employers, and state governments. Congress has an opportunity to review these corporate practices and work to ensure a reduced market power, thus minimizing the incentives for PBMs to steer patients towards higher-priced medicines, claim higher and higher rebates to fatten their bottom line, and ultimately driving independent pharmacies out of business.

Congress can play a very constructive role in advancing policy solutions to prevent PBM profiteering and lowering out-of-pocket costs for American consumers, patients and their families.

Sincerely,

Sally Greenberg  
Chief Executive Officer  
National Consumers League