

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
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July 1, 2014

Mr. C. Scott Hemphill
Professor of Law
Columbia Law School
435 West 116th Street
New York, NY 10027

Dear Mr. Hemphill:

Thank you for appearing before the Subcommittee on Health on Wednesday, June 11, 2014, to testify at the hearing entitled "21st Century Cures: Examining the Role of Incentives in Advancing Treatments and Cures for Patients."

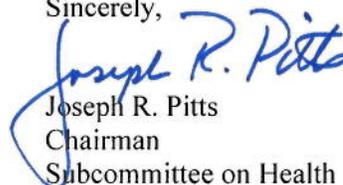
Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

Also attached are Member requests made during the hearing. The format of your responses to these requests should follow the same format as your responses to the additional questions for the record.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, July 16, 2014. Your responses should be mailed to Sydne Harwick, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to Sydne.Harwick@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,


Joseph R. Pitts
Chairman
Subcommittee on Health

cc: The Honorable Frank Pallone, Jr., Ranking Member, Subcommittee on Health

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Michael C. Burgess

1. Would you comment on some of the barriers that Class III medical device manufacturers face when seeking coverage and payment from CMS for innovative cutting edge technology that improves that lives of patients?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Henry A. Waxman

1. In your testimony, you mentioned the evergreening provision. I understand that is not just a one-time event, but could go on forever wherever a small change can produce another 15 years of exclusivity. Mr. Boutin claims in his testimony that MODERN Cures has the strongest anti-evergreening language ever included in legislation. Do you agree with that? Do you think that the law prevents evergreening or could companies get multiple 15 years exclusivity?