

To be completed by the Office of the
Secretary of the House of Delegates

Item No. Urgent NB#2

Date received 3/19/2020

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NEW BUSINESS

(To be submitted and introduced by Delegates only)

Introduced by: Board of Trustees
(Name)

March 19, 2020 _____
(Date) (Annual Meeting Contact Number)

Board of Trustees
(Organization)

Subject: Pharmaceutical Safety and Access During Emergencies

Motion:

1. APhA urges government authorities to hold pharmaceutical manufacturers, wholesalers and other pharmaceutical supply distributors, and providers accountable to state and federal price gouging laws in selling those items to pharmacies, hospitals and other healthcare providers during times of local, state, or national emergency.
2. APhA urges government authorities to aggressively enforce laws and regulations against adulterated products and false and misleading claims by entities offering to sell pharmaceutical and medical products to healthcare providers and consumers.

Background:

There have been reports from pharmacists that wholesale prices for certain pharmaceuticals and medical supplies have escalated beyond inflationary expectations as the result of national emergency declarations in place. In addition, vendors and even other healthcare providers are soliciting products via phone, fax or social media at extraordinary prices. This is creating further supply chain disruption and placing tremendous burdens on cash flow for pharmacies, which can lead to lack of access to critical medicines and supplies to patients. Additionally, restriction in product access, or fear of that, could drive hoarding and further shortage exacerbation. Further, PBMs/payers are unable to adjust their reimbursement databases as quickly as the price fluctuations are occurring, negatively impacting practitioners trying to serve the needs of their patient base.

Current APhA Policy & Bylaws:

Pharmaceutical Pricing

1985

APhA supports a system of equal opportunity with the same terms, conditions, and prices available for all pharmacies.

(Am Pharm NS25(5):52 May 1985) (Reviewed 2004) (Reviewed 2006)(Reviewed 2011)(Reviewed 2016)

Drug Supply Shortages and Patient Care

2012

1. APhA supports the immediate reporting by manufacturers to the U.S. Food and Drug Administration (FDA) of disruptions that may impact the market supply of medically necessary drug products to prevent, mitigate, or resolve drug shortage issues and supports the authority for FDA to impose penalties for failing to report.
2. APhA supports revising current laws and regulations that restrict the FDA's ability to provide timely communication to pharmacists, other health care providers, health systems, and professional associations regarding potential or real drug shortages.
3. APhA encourages the FDA, the Drug Enforcement Administration (DEA), and other stakeholders to collaborate in order to minimize barriers (e.g., aggregate production quotas, annual assessment of needs, unapproved drug initiatives) that contribute to or exacerbate drug shortages.
3. APhA should actively support legislation to hasten the development of an efficient regulatory process to approve therapeutically equivalent generic versions of biologic drug products.
5. APhA encourages pharmacists and other health care providers to assist in maintaining continuity of care during drug shortage situations by: (a) creating a practice site drug shortage plan as well as policies and procedures, (b) using reputable drug shortage management and information resources in decision making, (c) communicating with patients and coordinating with other health care providers, (d) avoiding excessive ordering and stockpiling of drugs, (e) acquiring drugs from reputable distributors, and (f) heightening their awareness of the potential for counterfeit or adulterated drugs entering the drug distribution system.
6. APhA encourages accrediting and regulatory agencies and the pharmaceutical science and manufacturing communities to evaluate policies/procedures related to the establishment and use of drug expiration dates and any impact those policies/procedures may have on drug shortages.
7. APhA encourages the active investigation and appropriate prosecution of entities that engage in price gouging and profiteering of medically necessary drug products in response to drug shortages.

(JAPhA NS52(4) 457 July/August 2012)(Reviewed 2017)

****Phone numbers will only be used by the New Business Review Committee in case there are questions for the delegate who submitted the New Business Item Content.**

New Business Items are due to the Speaker of the House by **February 19, 2020** (30 days prior to the start of the first House session). Consideration of urgent items can be presented with a suspension of the House Rules at the session where New Business will be acted upon. Please submit New Business Items to the Speaker of the House via email at hod@aphanet.org.