

January 23, 2020

David Calabrese, R.Ph, MHP
Chief Pharmacy Officer
OptumRx
1600 McConnor Parkway
Schaumburg, IL 60173

Dear Mr. Calabrese:

Thank you for your letter of December 16, 2019, explaining OptumRx's reasoning for pursuing a requirement for electronic prescribing of controlled substances (EPCS) for home delivery effective January 1, 2020. The American Medical Association (AMA) appreciates the multiple distinctions and clarifications you provided. We remain concerned, however, that the OptumRx EPCS home delivery policy will result in confusion, miscommunication and patient harm due to the continued uncertainty and lack of alignment with state or federal policy. For these reasons, we continue to urge OptumRx to delay the EPCS policy until those concerns are directly and thoroughly addressed.

First, it remains unclear why your pharmacists may be having difficulty exercising their corresponding responsibility to dispense prescriptions as required by the federal Controlled Substances Act. Pharmacists working in any care setting, whether retail or home delivery, can always call the prescribing physician if there are questions. In the absence of data or other information showing a problem, we believe it is premature to implement an EPCS mandate for home delivery. If there are concerns about resolving questions that arise in the current procedures with home delivery prescriptions, we believe a more appropriate course of action would be to work together to improve lines of communication rather than implement a policy that has the real potential to harm our patients.

Second, we appreciate that the OptumRx EPCS requirement does not apply to patients who use OptumRx pharmacy benefits to fill controlled substance prescriptions at local retail pharmacies. That does not, however, remove the concern that home delivery patients will face increased costs and other impediments to receiving their medication in a timely, affordable manner. The OptumRx website also does not appear to provide any clarifying information about this distinction, which will only further serve to confuse our patients. Again, this is why the AMA urges caution for the sudden implementation of a new policy that is causing confusion among patients and their physicians.

David Calabrese, R.Ph, MHP

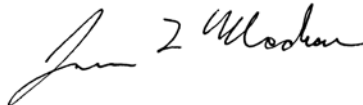
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Third, we also appreciate that your letter cites several exceptions to the OptumRx EPCS mandate, including those for state laws. Those exceptions, however, are not aligned with the detailed and nuanced rules and Frequently Asked Questions (FAQs) promulgated by states. We also attempted to find additional information to try and determine how a prescriber or patient would apply for an exemption from the Optum Rx EPCS mandate, but we were unable to find any detailed information on the OptumRx website. Furthermore, physicians who have received letters about the OptumRx EPCS mandate also have reported that they have been unsuccessful in clarifying the new policy or its exceptions with OptumRx Customer Service, and that they are not aware of the email address you provided to the AMA.

We hope that the OptumRx EPCS mandate will not reduce patients' access to critical, medically necessary treatment, but we have seen for several years the harm caused by unintended consequences of similar legislative, pharmacy chain, pharmacy benefit manager, health insurer and other policies. This is why the AMA continues to urge that you delay the policy. Further, I would simultaneously recommend that our respective staff begin a dialogue about ways to mitigate the confusion and help ensure that patients and physicians have accurate information about the new OptumRx policy. Daniel Blaney-Koen, JD, Senior Legislative Attorney, will reach out to you soon regarding this. If you have any questions, Daniel can be reached at daniel.blaney-koen@ama-assn.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Madara".

James L. Madara, MD