



July 13, 2021

Jennifer Joseph, Director
Office of Policy and Program Development
Bureau of Primary Health Care, Health Resources & Services Administration
5600 Fishers Lane
Rockville, Maryland, 20857

RE: Proposed Rescission of Executive Order 13937, "Executive Order on Access to Affordable Lifesaving Medications" (RIN 0906-AB25)

Submitted on-line at <https://www.regulations.gov/document/HRSA-2021-0003-0002>

Dear Jen:

On behalf of [Health Center Partners of Southern California \(HCP\)](#), representing 17 member organizations, including 12 Federally Qualified Health Centers, 4 Indian Health Centers, and Planned Parenthood of the Pacific Southwest, **I thank you for the opportunity to offer comments on the Proposed Rescission of Executive 13937, "Executive Order on Access to Affordable Lifesaving Medications" (RIN 0906-AB25)**. Members of this regional primary care association operate over 160 practice sites across five counties, serve 917,000 patients with 3.9 million patient visits annually, and generate [\\$2.2 billion in economic impact to the region and \\$1.4 billion in savings to Medicaid](#).

I strongly support the proposal to rescind the final rule, for the reasons listed below. They closely mirror those outlined by the [National Association for Community Health Centers](#) in its written comments. HCP is a member of NACHC.

1. This regulation would reduce access to care for underserved populations, rather than expand it. Implementing the final rule would impose significant administrative burdens and costs on health centers, reducing the limited resources and staff available to support critical services for patients, including those who use insulin and injectable epinephrine.
2. The final rule's definition of "low income" as persons below 350% of the Federal Poverty Guidelines (FPG) is inconsistent with every known federal program. This new definition significantly increases the administrative burden on health center staff and reduces the resources health centers can devote to patient care.
3. If implemented, the final rule would require health centers to divert critical resources away from vital COVID-19 pandemic response efforts across the country.



4. If implemented as written, the proposed “positive impacts” of this regulation would be dramatically smaller than suggested. It would result in reduction of other services health centers could provide to underserved patients.

In addition to rescinding the final rule, **I also urge the administration to revoke the “Executive Order on Access to Affordable Lifesaving Medications”, upon which this final rule was based.**

Over the past few years, health centers have experienced unfair attacks on their 340B savings and their ability to participate in the 340B program. If the Biden Administration revokes the underlining executive order, health centers may shift their focus from the regulatory 340B program threats to defending the multiple external attacks on the 340B program and covered entities.

Unfortunately, the basic misunderstandings of the 340B program, drug pricing, and the health center mission, have led to this final rule, which creates more harm than benefit for medically underserved patients. **I strongly urge the Biden Administration to revoke the executive order underlying this final rule to end the looming threat targeting health centers in the 340B program.**

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Henry N. Tuttle".

Henry N. Tuttle
President and Chief Executive Officer

CC: National Association for Community Health Centers (NACHC)
California Primary Care Association (CPCA)
HCP Board of Directors

[Health Center Partners of Southern California](#), a family of companies, includes a 17-membership organization of federally qualified health centers, Indian Health Services Organizations, both urban and sovereign, and Planned Parenthood of the Pacific Southwest, collectively serving 917,000 patients each year, for 3.9 million patient visits each year, at 160 practice sites across San Diego, Riverside and Imperial counties, and is the seventh largest provider group in the region. [Read our latest Impact Report.](#)