

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 6, 2018

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma:

I write to you with concerns regarding the failure of the Centers for Medicare & Medicaid Services (CMS) to update the CMS Drug Spending Dashboards (Dashboards) since President Trump took office in January of 2017. The Dashboards are online interactive tools that allow the public to access information regarding how much the government spends for certain prescription drugs in the Medicare and Medicaid programs.¹ They allow researchers, journalists, and non-profit groups to monitor trends in drug prices – including the average annual beneficiary cost and the annual change in the average cost per unit of tracked prescription drugs.² On numerous occasions, the Dashboards have been praised for providing greater transparency to consumers and promoting public accountability.³ For example, researchers reportedly note that the Dashboards allow them to flag drugs that experience significant price increases from year-to-year for closer scrutiny.⁴

During his 2018 State of the Union, President Trump reiterated his commitment to “fixing the injustice of high drug prices,” which he described as “one of [his] greatest

¹ Centers for Medicare & Medicaid Services, CMS Drug Spending (www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Information-on-Prescription-Drugs/index.html).

² Centers for Medicare & Medicaid Services, *Medicare Drug Spending Dashboard 2015* (Sept. 2016) (www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Dashboard/2015-Medicare-Drug-Spending/medicare-drug-spending-dashboard-2015-data.html); *Trump Admin Keeping Drug Price Info Under Wraps*, CNN (Mar. 20, 2018).

³ *Trump Admin Keeping Drug Price Info Under Wraps*, CNN (Mar. 20, 2018).

⁴ *Id.*

priorities.”⁵ However, reports that the Trump Administration has neglected the Dashboards under your authority appear to contradict this promise, as it has been observed that the failure to update the Dashboards eliminates the analysis of drug prices in our public programs.⁶ According to Ben Wakana, executive director of Patients for Affordable Drugs: “Drug corporations are thrilled to have this tool be out of date... If this administration is serious about transparency and serious about holding drug companies accountable, they should update this tool tomorrow.”⁷

CMS’s failure to update the Dashboards is especially concerning because doing so would reportedly not require a significant commitment of agency time or resources. Niall Brennan, who formerly served as the Chief Data Officer of CMS and created the Dashboards during his tenure at the agency, told CNN he designed the program to make the subsequent release of data very easy. According to Brennan, “the code is written” and “this would be one of the first examples of [CMS] not updating one of the existing data sources.”

The failure to update the Dashboards raises questions about this Administration’s supposed commitment to lowering the price of prescription drugs for the American people. The Democratic Members of the House Committee on Energy and Commerce, however, remain committed to this objective. Therefore, I request a response to the following no later than April 20, 2018:

1. According to reports, the Dashboards are typically updated each November with data from the preceding calendar year.⁸ Please provide a written explanation justifying why the Dashboards were not updated with 2016 data last November. As part of this explanation, please also indicate if and when the agency intends to update the Dashboards with 2016 data.
2. At any point during the tenure of the Trump Administration, were CMS employees instructed not to proceed with updating the Dashboards with 2016 data? If so, who gave this instruction?
3. At any point during the tenure of the Trump Administration, did any CMS employees express concern regarding the agency’s failure to update the Dashboards with 2016 data?
4. Please provide any communications between CMS and/or employees of CMS and outside advocacy or lobbying organizations that pertain to the updating of the Dashboards with 2016 data.

⁵ The White House, *President Donald J. Trump’s State of the Union Address* (Jan. 30, 2018).

⁶ See note 3.

⁷ *Id.*

⁸ *Id.*

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5. Please provide in electronic form the 2016 underlying data for the Medicare and Medicaid Drug Spending Dashboards.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Miles Lichtman of the Democratic Committee staff at (202) 225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone Jr." The signature is written in a cursive, flowing style.

Frank Pallone, Jr.
Ranking Member