



February 17, 2023

Senator Matt Klein, Chair
Senator Judy Seeberger, Chair
Senate Committee on Commerce and Consumer Protection
Minnesota Legislature
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Dear Chair Klein, Vice Chair Seeberger, and Members of the Senate Committee on Commerce and Consumer Protection,

The Minnesota Society Clinical Oncology Society (MSCO) and the Association for Clinical Oncology (ASCO) are committed to supporting policies that reduce cost while preserving access to quality cancer care. However, we are concerned that Section 9 of SF 168 – **Prescription Drug Affordability Board**, if passed, would jeopardize access to necessary care for Minnesota patients with cancer. We appreciate your commitment to lowering costs and would like to work with you on the best path forward for patients who face this life-threatening disease.

MSCO is a professional organization whose mission is to facilitate improvements for Minnesota physician specialties in both hematology and oncology. MSCO members are a community of hematologists, oncologists, and other physicians who specialize in cancer care. ASCO is a national organization representing physicians who care for people with cancer. With nearly 45,000 members, our core mission is to ensure that cancer patients have meaningful access to high quality, equitable cancer care.

Life-saving treatments for cancer often include use of high-cost drugs, the very ones targeted by SF 168. Cancer patients are uniquely vulnerable and often have a narrow window of time for a successful outcome. If doctors and patients must endure a 60-day appeal to access treatments subject to an upper payment limit, some of Minnesota's sickest patients will suffer severe consequences. Additionally, the bill does not define "medical necessity," leaving unclear when a carrier could disregard an upper payment limit.

Oncologists do not set or control drug prices; they offer their patients the most appropriate, evidence-based treatment that will ensure the best outcome for an individual cancer patient and their specific disease.

We are concerned that over time, the upper payment limit as proposed could impact access to care. It is our understanding that under the upper payment limit proposal, physician practices will be reimbursed the amount they pay to purchase the drug, with no reimbursement to cover the significant costs associated with drug treatments in physicians' offices, including the cost of procuring, storing, preparing,

and handling the drugs. We recommend that the bill include an add on payment to help offset the actual costs incurred for procuring, storing, preparing, and handling highly toxic agents.

We are eager to discuss other solutions we think could control appropriate utilization of the highest cost drugs and protect cancer patients at that same time, including the use of value-based clinical pathways.

ASCO and MSCO are concerned that the upper payment language in SF 168 will have a harmful impact on cancer practices in Minnesota and the patients they treat. We urge you to consider the unintended consequences of this legislation. For a more detailed understanding of our recommendations on this issue, we invite you to read the [ASCO Position Statement on Addressing the Affordability of Cancer Drugs](#). If you have questions or would like assistance on any issue involving the care of individuals with cancer, please contact Sarah Lanford at Sarah.Lanford@asco.org.

Sincerely,



Amrit Singh, MD
President
Minnesota Society of Clinical Oncology



Lori J. Pierce, MD, FASTRO, FASCO
Chair of the Board
Association for Clinical Oncology