

# Congress of the United States

## Washington, DC 20515

May 1, 2020

The Honorable Alex M. Azar  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington DC 20201

Dear Secretary Azar,

As New York hospitals continue to battle on the frontlines of the COVID-19 pandemic, we urge you to protect 340B entities and provide them the flexibility they need to battle this public health emergency.

The 340B Drug Pricing Programs allows over 100 New York hospitals and many more health care entities across our state to provide care for low income patients and safeguard access to otherwise unaffordable medication their patients need most. Hospitals and health care organizations are eligible for 340B because they provide care for underserved and low-income patients in our communities. This eligibility is determined by, among other things, a facility's low-income patient mix, as measured by the Medicare DSH adjustment.

However, New York hospitals are at risk of losing access to this lifesaving program because of coronavirus.

For over a month, New York hospitals and health centers have halted all elective procedures and very few patients are seeking non-urgent care. This is essential to stop the spread of the disease, but it has resulted in far fewer Medicaid patients receiving services at New York hospitals and other 340B entities, potentially harming eligibility under the Medicare DSH threshold.

Essential public health emergency measures should not result in hospitals losing their ability to purchase affordable drugs for their patients. We strongly urge the Department of Health & Human Services and the Health Resources & Services Administration to hold hospitals harmless and recertify current 340B entities that are still eligible, even if they have seen temporary changes to their patient mix during this pandemic.

New York hospitals are already losing billions of dollars in revenue they need to survive and serve patients at the frontlines, the effects of which will be felt long after this pandemic passes. The 340B Drug Pricing Program provides our hospitals and health care organizations much

needed assistance in providing care for patients in every community across our state and across the nation.

Thank you for your attention to this matter and all you are doing to protect American lives during this crisis.

Sincerely,



Joseph D. Morelle  
Member of Congress



Peter T. King  
Member of Congress



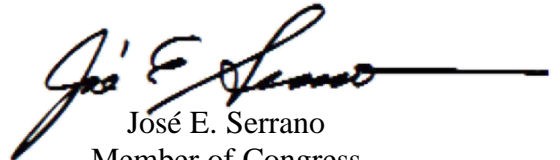
Thomas R. Suozzi  
Member of Congress



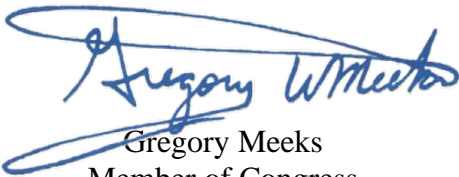
Tom Reed  
Member of Congress



Kathleen M. Rice  
Member of Congress



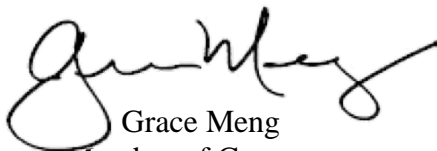
José E. Serrano  
Member of Congress



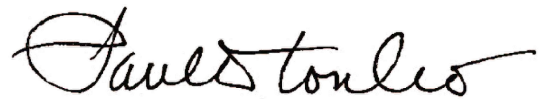
Gregory Meeks  
Member of Congress



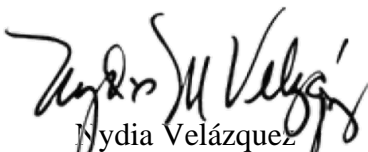
Sean Patrick Maloney  
Member of Congress



Grace Meng  
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Paul Tonko  
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Nydia Velázquez  
Member of Congress



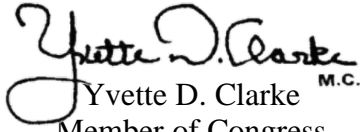
John Katko  
Member of Congress



Hakeem Jeffries  
Member of Congress



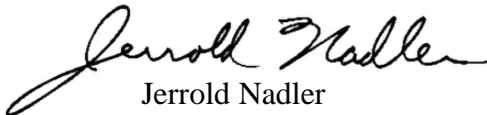
Eliot L. Engel  
Member of Congress



Yvette D. Clarke <sup>M.C.</sup>  
Member of Congress



Nita M. Lowey  
Member of Congress



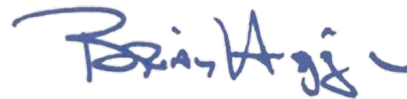
Jerrold Nadler  
Member of Congress



Elise M. Stefanik  
Member of Congress



Max Rose  
Member of Congress



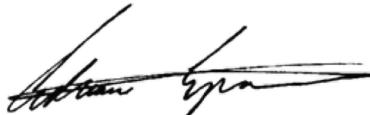
Brian Higgins  
Member of Congress



Carolyn Maloney  
Member of Congress



Lee Zeldin  
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Adriano Espaillat  
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