



Dear New Jersey Congressional Delegation:

On behalf of BioNJ's 400 members of the New Jersey life sciences ecosystem, congratulations again on your return to the 117th Congress.

As you know, BioNJ represents the full continuum of our State's life sciences sector, from the largest biopharmaceutical companies to emerging start-ups, academic partners, health systems, and Patient advocacy organizations. Our members are at the forefront in research and development of treatments for cancer, rare diseases and many other unmet medical needs. This tradition continues with the dozens of companies with a New Jersey presence leading the way in finding COVID-19 diagnostics, treatments and vaccines.

We support policies that promote continued biopharmaceutical innovation and Patient access to lifesaving cures. Our Members believe that Patients should have access to the right treatment when they need it most – Because Patients Can't Wait®.

As you approach your important work in COVID-19 relief, BioNJ stands ready to collaborate with you and our other delegation members in ensuring that Patients have access to the lifesaving treatments developed by our innovator members. However, any proposals that might hinder innovation and access - such as those seeking to address drug pricing - should only be considered if they result in lowering the costs Patients pay at the pharmacy counter for necessary treatments. In short, Congress should not consider drug pricing legislation that does not meet this important goal. As you continue your work on COVID-19 relief and response and other issues, please consider the below perspective that will ensure that both innovation and Patient access thrive in 2021 and beyond.

### Most-Favored Nation Interim Final Rule

The Centers for Medicare and Medicaid Services (CMS) during the waning days of the Trump Administration unveiled an interim final rule implementing the so-called "Most-Favored Nation" reimbursement scheme for certain Medicare Part B treatments. This payment "model" would use foreign reference pricing to set Part B pricing, disrupting the successful Part B program for Patients while creating barriers to innovation. While federal courts have quickly ruled against the Most-Favored Nation program moving forward, we have encouraged the Biden Administration to withdraw this proposal altogether. We believe implementing this policy as proposed would devastate New Jersey's innovative biopharmaceutical manufacturing community and dangerously hinder Patient access. We commend to your attention the attached letter signed by leading members of the NJ biopharmaceutical ecosystem voicing our collective opposition to this misguided approach to drug pricing.

Similar concepts have been proposed in Congress, including certain aspects of H.R. 3. We firmly believe proposals that rely on foreign reference pricing will only serve to reduce Patient access to tomorrow's cures. There are commonsense proposals to lower Patient costs at the pharmacy counter without reducing Patient access and suffocating innovation. We look forward to working together to advance these proposals in the 117th Congress.

### End the Pandemic and Public Health Preparedness

The COVID-19 pandemic has shown the importance to our country of a robust, research-based life sciences ecosystem. American companies – including dozens from the Garden State – have been at the forefront of the vaccine and treatment development that has the world on the precipice of emerging from the pandemic. But that research and development would not occur without a policy environment encouraging investment in the life sciences.

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To this end, Congress should support proposals that keep the policy environment a favorable one for research and development. While we have seen tremendous work in developing the existing vaccines and treatments, we must continue our work to develop and approve additional therapies, vaccines and diagnostics to prevent COVID-19. Specific proposals to help spur continued COVID-19 innovation could include additional federal funding for innovation to fight COVID-19 and other infectious diseases as well as funding to bolster existing vaccines, treatments and diagnostics.

Meanwhile, there are COVID-19 processes and procedures that could prove valuable as our nation looks to bolster our public health preparedness. For instance, many successful COVID-19 treatments and vaccines were developed via public-private partnerships and private investment. Congress should continue to encourage these partnerships and investments in tackling COVID-19 and other infectious diseases. The U.S. Food and Drug Administration (FDA) has also been nimble in using its emergency use authorization (EUA) to speed COVID-19 innovation to the marketplace. The pandemic has shown that the FDA can work with manufacturers to ably speed treatments to the Patients who need them most. We should work to ensure when feasible, that treatments that meet unmet medical needs are similarly moved through the FDA process as quickly and safely as possible.

There are several other ideas that could help promote readiness for future public health emergencies. Tax incentives could be created to help spur private investment in early stage companies focused on infectious diseases. Congress could also provide resources for federal agencies, such as BARDA and CDC, working to develop the infrastructure needed to strategically respond to public health crises. Resources for state, county and local public health departments will also help improve readiness for a future pandemic.

### [Access to Care](#)

The pandemic has in many ways exacerbated health care disparities and inequities in Patient access. Our nation's life sciences community has worked to reduce disparities and inequities through clinical trials, but we should remain focused on continued improvement in these areas. Policymakers can build upon existing efforts by promoting policies such as the elimination of cost-sharing among all payers, including Medicaid, for COVID-related vaccines, treatments and diagnostics. Vaccine distribution should also be accelerated where possible in an equitable manner. Congress could also consider a 100 percent federal match for coverage of COVID-19 treatments via Medicaid. Finally, policymakers should consider ways to promote vaccination and eliminate vaccine hesitancy with a focus on minority communities as well as essential workers.

The successes in quickly developing vaccines and treatments have shown that our American system of innovation works. It works every day to research and develop therapies and cures for COVID-19, cancer, rare diseases, and a host of other therapeutic areas. But we must protect the system that has allowed innovation to thrive for the Patients we serve. We thank you for your continued work on behalf of Patients and innovation, and we look forward to working with you in 2021 to improve Patient access for all New Jerseyans.

Thank you so much for your consideration. Please don't hesitate to contact me at [DHart@BioNJ.org](mailto:DHart@BioNJ.org) or 609.890.3185 if I can be a resource on these important issues. Thank you again.

Sincerely,

Debbie Hart  
President and CEO