

CONGRESS MUST PASS THE LONG-TERM CARE PHARMACY DEFINITION ACT OF 2021 NOW

Without a Federal Statutory Definition, Unintended Consequences Cause Conflicting Regulatory Requirements and Legislation that Undermines Patient Care by LTC Pharmacies

More than 2 million Americans live in long-term care (LTC) facilities and other types of residential community care settings, including skilled nursing facilities and assisted living communities. There are other seniors who do not live in a congregate setting but instead continue to live at home, yet they require the same long-term services and supports (LTSS). Regardless of the setting, this population of seniors and people with disabilities—typically Medicare and Medicaid beneficiaries—rely on multiple prescription medications every day to manage chronic conditions and maintain their quality of life. Dedicated LTC pharmacies are the solution to meet these needs.

LTC pharmacies provide essential patient care services by working closely with healthcare providers as part of patient care teams. The specialized services and clinical oversight LTC pharmacies provide, including direct consultation with patients and their families and reduction in unnecessary medication use, are vital for reducing medication errors and hospital readmissions that drive poorer health outcomes and higher costs. Care coordination is extremely important to supporting the overall health of LTC residents which is why LTC pharmacies are required to counsel on and provide services 24/7 every day of the year.

DID YOU KNOW?

A typical nursing home resident takes 12-13 prescription medications a day.

THE PROBLEM: VAGUE REGULATORY OVERLAP AND NEED FOR CLARITY

Despite the irreplaceable role of LTC pharmacies in communities across the country, no federal statutory or regulatory definition of LTC pharmacy exists. Instead, LTC pharmacies must negotiate a patchwork of vague, inconsistent provisions. These conflicting and confusing regulatory obligations threaten patient care by disrupting the clinical services, medication management and care coordination activities needed to improve and optimize patient outcomes. The absence of a statutory definition also inhibits Congress' ability to craft legislative solutions tailored to the medical needs of the LTC patient population.

Without the LTC Pharmacy Definition Act, LTC pharmacies are typically treated the same as retail pharmacies, despite their unique patient population and enhanced care role. Recent unintended consequences of not having a statutory definition include:

Exclusion from the COVID-19 Provider Relief Funds, despite LTC pharmacies' role in providing uninterrupted patient care throughout the pandemic and essential vaccination services, resulting in 10% higher operating costs and 11% loss in revenue.

A proposed change to opioid packaging in conflict with existing opioid packaging requirements and obligations imposed on LTC pharmacies by other federal statutory and regulatory provisions.

Different and contradictory definitions from federal agencies create confusion around policy implementation and can result in compromised patient care; for example, proposed FDA guidance in 2015 would have prevented LTC pharmacies from providing emergency medications to LTC facilities – in direct conflict with CMS Medicare and Medicaid obligations.

THE SOLUTION: PASS THE LONG-TERM CARE PHARMACY DEFINITION ACT

The Long-Term Care Pharmacy Definition Act would establish a clear statutory definition of LTC pharmacies—a crucial development that will modernize governmental oversight for the sector and drive regulatory consistency for all federal agencies. Passing this legislation would serve current and future interests of all Americans who need LTC services and support.