

Appropriators Ask HRSA To Brief Congress On 340B Rebate Pilot In Draft Minibus

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If HHS decides to redraft a controversial pilot aimed at testing use of after-the-fact rebates instead of upfront discounts in the 340B drug discount program, it will need to inform Congress of its plans if a new HHS spending deal moves through Congress. HRSA is expected to revamp its 340B pilot after a federal court put the agency's initiative on hold.

The report language accompanying the draft bipartisan bicameral HHS spending deal calls for the Health Resources and Services Administration (HRSA) to provide a briefing to lawmakers within 30 days of the bill's passage about the impact of the 340B pilot program on patients.

Earlier this month, the Trump administration scrapped plans to appeal a Maine district court's late December ruling that temporarily blocked the pilot. The court said HRSA provided no explanation to justify creating the rebate pilot program and failed to take into account financial and administrative concerns from stakeholders.

When the administration initially appealed the court's decision, it asked the First Circuit for permission to carry out the 340B rebate pilot while the appeal process played out. The First Circuit judges rejected the request, agreeing with the lower court's reasoning for imposing a preliminary injunction on the pilot and ruling the government's counterarguments were unlikely to succeed.

Shortly after, the administration pulled its appeal request.