

# United States Senate

June 25, 2024

The Honorable Xavier Becerra  
Secretary  
United States Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Becerra:

I write to bring your attention to a significant concern regarding abiraterone, a low-cost prostate cancer drug brought to market by CivicaScript (Civica). While this FDA approved, life-saving drug should be available to cancer patients at an affordable cost, instead, few Americans suffering from cancer can access the drug due to barriers in the supply chain between the manufacturer and the pharmacy counter. A cancer diagnosis is already difficult enough for patients to navigate with the best of care, but it is unacceptable for an approved low-cost treatment to be limited to the point that patients cannot easily access the treatment or the benefit from the cost savings. I urge the Department of Health and Human Services (HHS) to immediately investigate this issue to ensure that Nevadans and all Americans diagnosed with prostate cancer can have full and affordable access to this lifesaving drug.

The American Cancer Society estimates there will be nearly 300,000 new cases of prostate cancer this year in the United States, with over 35,000 deaths. This cancer impacts around one in eight men at some point during their life, with one in 44 men dying from the disease and over 3.3 million men in our country who have had this cancer at some point. Thankfully, most Americans diagnosed with prostate cancer have a good chance at survival if it is detected early and if patients have access to treatments. That is why it is imperative that those treatments are available at affordable prices so that all patients who need them can begin the process toward recovery. Earlier access to affordable treatment will not only save patients and our health care system financially, but even more importantly, it will save lives.

CivicaScript is funded through a non-profit model that should be saving consumers thousands of dollars per patient per month on abiraterone. However, it has been brought to my attention that, due to profit-driven barriers unrelated to Civica, this is not the case. Attached to this letter is correspondence I received from Civica regarding their experience attempting to work with the major pharmacy benefit manager (PBM) organizations to provide abiraterone to consumers at an affordable price. Prior to Civica's introduction to the market, the average cost of this drug was over \$3,000 for a month's supply. The cost of the drug from Civica is \$160, with a suggested final price to the consumer of \$171, which already includes a reasonable pharmacy dispensing fee. Nonetheless, costs have remained high despite significantly lower cost options being approved for sale. Patients should now be seeing a drastic reduction in cost for abiraterone due to Civica's lower price structure, and it is unacceptable that the cost for cancer patients to access

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this life-saving prescription drug has remained unreasonably high due to barriers preventing Civica's drug from being widely available.

For these reasons, I ask the Department to fulfill the following requests no later than 90 days from receipt of this letter:

- 1) Immediately investigate what has led to the cost of abiraterone remaining high, working with Civica to identify the market barriers outside of their control that have prevented widespread access to this drug.
- 2) Once your investigation is complete, please provide a written response of your findings to my office. Additionally, please indicate in your findings how any identified barriers would have a similar impact on other low-cost drugs being blocked from patient access.
- 3) In your written response, please identify specific actions HHS has taken and are planning to take to address this problem in a timely manner.
- 4) If additional authorities from Congress are required, please provide in your written response guidance on the specific authorities that HHS needs to effectively address this situation and correct or prevent it from happening again in the future, specifically with regard to situations where patients stand to realize significant cost savings but lower-cost medicines are being left off of prescription formularies.
- 5) Provide a briefing for my office on the Department's progress regarding this issue.

One of my highest priorities as a United States Senator has been to protect access to quality, affordable health care. Lowering out-of-pocket prescription drug costs for patients while stabilizing our domestic drug supply is vital to improving the wellbeing of Nevadans and all Americans. I therefore look forward to working with you to ensure patients receive direct cost-savings when lower cost drugs, like those provided by non-profit pharmaceutical organizations, reach the market. Thank you for your attention to this important issue.

Sincerely,



Jacky Rosen  
U.S. Senator

Enclosure: CivicaScript letter to Sen. Rosen