



COA Files Lawsuit Seeking Emergency Injunction to Halt Most Favored Nation Model; ACCC & PhRMA File Motion for Temporary Restraining Order

PhRMA & ACCC motion includes sworn declaration on behalf of The US Oncology Network

Today, the Community Oncology Alliance (COA) filed a complaint in the U.S. District Court in Washington, D.C. for injunctive relief to stop the Most Favored Nation (MFN) Model that is set to fundamentally disrupt access to Part B drugs on January 1, 2021. The lawsuit alleges the rule violates the Administrative Procedure Act, Section 1115A of the Social Security Act (CMMI authority), and the separation-of-powers doctrine in the Constitution.

This follows a motion filed yesterday by the Association of Community Cancer Centers (ACCC), the Global Colon Cancer Coalition, the National Infusion Center Association (NICA), and Pharmaceutical Research and Manufacturers of American (PhRMA) for a temporary restraining order and preliminary injunction to halt the MFN Model. An initial complaint was filed last week by the same parties challenging the legality of the MFN interim final rule.

Included in yesterday's motion was a sworn declaration from Dr. Michael Seiden, President of The US Oncology Network, submitted in conjunction with a detailed letter signed by 20 community oncology practices from The US Oncology Network.

"In my considered judgment, the MFN Rule will cause immediate and irreparable harm to Medicare patients across The US Oncology Network whose treatment includes the Affected Oncology Drugs. The MFN Rule puts lives at risk and jeopardizes the health of patients seen by the Network practices," said Dr. Seiden.

According to Dr. Seiden, "it will not be sustainable for Network practices to continue to provide the Affected Oncology Drugs to the same number of Medicare patients as they currently serve; they will incur staggering losses within days after the Rule's January 1, 2021 effective date.

"The Network practices' inability to provide the Affected Oncology Drugs to patients will have significant negative health impacts, and puts doctors in the impossible position of forgoing the treatment they deem necessary in their medical judgment," said Dr. Seiden.

The declaration also includes a supporting letter from 20 of The Network's practice presidents. The letter states that the MFN rule will force patients to make "an impossible choice among untenable options: accepting alternative, inferior treatment, go elsewhere for treatment, or forgo treatment altogether."

The declaration and the letter both support the plaintiffs' motion for injunction.

To read the declaration from Dr. Seiden, [CLICK HERE](#).

To read the letter from The Network practice presidents, [CLICK HERE](#).

To read a copy of the COA complaint, [CLICK HERE](#).

TAKE ACTION: To urge your Member of Congress to oppose the MFN Model, [CLICK HERE](#).

To learn more about the MFN Model, [CLICK HERE](#).