340B Guidance: When a Patient Is Not a Patient

The bipartisan law that created the 340B Drug Pricing Program refers to patient only once: when it prohibits the sale or transfer of 340B drugs “to a person who is not a patient” of a participating provider.

In striking contrast, proposed federal guidance would erect numerous barriers to patient eligibility that dramatically restrict access to affordable drugs for the vulnerable patients who need them the most.

TODAY: Eligible Patients of a 340B Participating Hospital

- Outpatient clinic patients
- Emergency department (ED) patients
- Patients leaving an inpatient setting
- Chemotherapy and other infusion service patients

EMERGENCY SERVICES

Patients are not 340B patients if treated at an ED staffed by contract physicians who bill independently for their services rather than physicians employed by the hospital.

INFUSION SERVICES

Patients are not 340B patients if the order for their therapy was written outside the hospital clinic where they receive treatment.

INPATIENT DISCHARGES

Patients are not 340B patients after discharge from the inpatient setting, meaning they cannot receive affordable drugs to keep them well and prevent a readmission.

OUTPATIENT CARE

Patients are not 340B patients if treated at pediatric and maternal clinics and sites dedicated to indigent patients—sites that likely would not meet a proposed requirement that a clinic have Medicare costs.

TOMORROW

The 340B Drug Pricing Program was created to provide affordable drug access to vulnerable patients. Proposed federal guidance could severely limit who qualifies as a patient, potentially limiting access to needed medications.