



**PHOENIX
CHILDREN'S
HOSPITAL**

February 5, 2007

Melissa Musotto
Office of Strategic Operations and Regulatory Affairs
Division of Regulations Development--A
Centers for Medicare and Medicaid Services, Room C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Ms. Musotto:

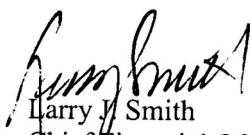
As Chief Financial Officer of Phoenix Children's Hospital and a health care administrator for more than 20 years, I am submitting comment on a proposed data submission requirement that would mandate collection of National Drug Code (NDC) information by State Medicaid agencies with respect to covered outpatient drugs that are "physician administered." The Notice appeared at 71 Federal Register pages 71178 to 71179.

On behalf of Phoenix Children's Hospital, I am registering strong opposition to the application of the new data submission requirement to drugs administered by medical professionals to patients in hospital outpatient clinics or departments because of the enormous additional administrative and paperwork burdens such a requirement will place upon our staff. The financial burden of implementation coupled with the impact to employees including technical support and pharmacy personnel creates an environment where patient care must share its resources with bureaucracy.

In addition, it is unnecessary to subject hospitals and their outpatient clinics and departments to the paperwork and administrative burdens associated with the proposed NDC data submission requirement. The purpose of the proposed data submission is to enable State Medicaid agencies to collect rebates on drugs that are "physician administered" within the meaning of Section 1927(a)(7) of the Social Security Act, as amended by Section 6002 of the DRA. Although Arizona is not a Medicaid state, our understanding has been that drugs administered in outpatient settings in hospitals, use a formulary system for outpatient drugs and bills Medicaid as prescribed under the applicable Medicaid state plan, are exempt from the rebate requirements of Section 1927 of the Act. Accordingly, the very burdensome task of submitting NDC numbers on hospital-administered outpatient drugs would not serve the purpose of facilitating rebate collection, as drug manufacturers' statutory rebate payment obligations do not extend to these drugs in the first place.

Thank you for your consideration of these views in connection with the recently published Paperwork Reduction Act Notice.

Sincerely,



Larry J. Smith
Chief Financial Officer