



Center for Medicaid and CHIP Services

COVER SHEET

National Average Drug Acquisition Cost (NADAC) Survey Request for Information

TO: Myers and Stauffer LC
ATTENTION: CMS Pharmacy Survey

800 East 96th Street, Suite 200
Indianapolis, IN 46240

OR

844-860-0236 FAX

OR

survey@mslcrps.com

(Please indicate “CMS Pharmacy Survey – confidential and proprietary” in the subject line.)

The data contained in this submission is proprietary and confidential financial information that has been submitted voluntarily.



Protections for Drug Acquisition Cost Data Submitted by Pharmacies

In response to the National Average Drug Acquisition Cost (NADAC) Survey, chain and independent pharmacies have inquired about the disclosure, uses, and confidentiality of data submitted by pharmacies to Myers and Stauffer LC through its contract with CMS. The following information describes the government-provided protections offered to all pharmacies that voluntarily submit drug acquisition cost data.

1. Will the names of pharmacies responding to the survey be disclosed?

No. Information that identifies a particular pharmacy or pharmacy organization will not be disclosed or published by Myers and Stauffer LC. Such identifying information is known only to Myers and Stauffer LC (and to CMS upon its request). Disclosure by Myers and Stauffer LC to third parties is strictly prohibited by the contract between CMS and Myers and Stauffer LC.

2. Will drug acquisition cost data submitted by pharmacies participating in the survey be exempt from disclosure under the federal Freedom of Information Act (FOIA)?

Yes. Drug acquisition cost data submitted by pharmacies in response to the NADAC survey is exempt from disclosure under Exemption 4 of FOIA if the following conditions are met. The submitted information must be (1) provided voluntarily, and (2) is designated by the submitting pharmacy as “confidential,” i.e., the kind of information that would customarily not be released to the public by the pharmacy.

3. Will Myers and Stauffer LC use the submitted data for purposes other than to design, develop, implement and maintain NADAC rates as required under its contract with CMS?

No. Myers and Stauffer LC is contractually prohibited from using any drug acquisition cost data for any purpose other than to design, develop, implement and maintain NADAC rates as required under its contract with CMS.

4. Does Myers and Stauffer LC own the data collected from pharmacies?

No. Myers and Stauffer LC has assigned and conveyed to the Government all copyright, ownership and other intellectual property interests in and to all data/information obtained by Myers and Stauffer LC under its contract with CMS.

Again, Myers and Stauffer LC is prohibited from using or disclosing drug acquisition cost data submitted by pharmacies in response to the NADAC survey, except to design, develop, implement and maintain NADAC rates as required under its contract with CMS.

5. Who controls the data submitted by pharmacies?

The U.S. Government (CMS) has exclusive control of all drug acquisition cost data submitted by pharmacies in response to the National Average Drug Acquisition Cost (NADAC) Survey.

6. For what purposes will CMS use the data collected from pharmacies?

CMS will use these data for construction of the published NADAC, which is used by CMS and state Medicaid agencies in the administration of their programs.