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March 25, 2020

Thomas J. Engels
Administrator
Health Resources and Services Administration
5600 Fishers Lane
Rockville, MD 20857 U.S.A.

Dear Administrator Engels-

I write today to urge you to postpone all ongoing and upcoming hospital audits related to the 340B program while our health system is responding to the coronavirus disease (COVID-19) pandemic.

Hospitals in New York State need to be able to devote the maximum amount of time, money, and staff possible to COVID-19 relief efforts. As you know, New York accounts for approximately 50 percent of all known COVID-19 cases in the United States, with more than 20,000 cases identified.¹ Hospitals are scrambling to source enough Personal Protective Equipment (PPE) to keep their staff and their patients safe, and those performing testing are facing an often daily struggle to obtain enough supplies to continue to complete tests. Additionally, just this week Governor Cuomo issued an Executive Order requiring hospitals in New York State to increase their bed capacity by 50 percent.²

Preparing for and undergoing 340B program audits requires significant time and attention by multiple departments within a hospital. And while I understand and appreciate that the Health Resources and Services Administration (HRSA) has shown a willingness to allow some audits to proceed on a remote basis in order to observe social distancing best practices, transitioning to a remote audit can place additional challenges on a hospital.


Maintaining the integrity of the 340B program and ensuring that hospitals are in compliance with 340B program requirements are serious and important facets of HRSA's administration of the 340B program. However, given the current realities hospitals are facing, all of their resources

¹ Johns Hopkins Coronavirus Resource Center. Online at <https://coronavirus.jhu.edu/map.html>.

² Office of Governor Andrew M. Cuomo, "No. 202.10: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency." Online at <https://www.governor.ny.gov/news/no-20210-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

must be diverted to treating and containing this pandemic. I therefore urge you to postpone all 340B audits until after this public health crisis has abated.

Sincerely,

A handwritten signature in blue ink that reads "Brian Higgins" with a stylized flourish at the end.

Brian Higgins
Member of Congress