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Comments on administrative process for excessive price hearing recommendation

Please note that I am providing these comments as an individual physician with an interest in rare diseases rather than as a representative of the health authority where I work.

1. In general, the processes are designed to limit the impact on Canada's high drug prices rather than help reduce these. For example:
 - a. The processes are triggered based on HIP rather than median price amongst the comparator countries (as per previous draft guidelines). This means that as long as Canada has the second highest patented medicine prices in the world, no reviews will be triggered - ie. The focus on HIP will not result in a reduction in Canada's high drug prices
 - b. Section 48 states that the highest publicly-available list price for comparators is used for consideration by staff. It would make more sense to look at the same price information that would be used in a hearing (ie. All prices for the patented medicine and its comparators) to decide whether a hearing should take place.
 - c. Section 57 serves only to encourage companies to increase list prices over time - if they list a drug at a higher price in another country, then this would allow price increase in Canada. This makes no sense at all given that the processes also use consumer price index to control for variables like inflation etc over time. The HPI at the time of initial review should be the default HPI if it is the highest value. At the time of annual reviews, if the HPI falls (ie. List prices come down in other countries), then such falls should be reflected in Canada (and therefore the lower HPI used as a threshold to trigger a review) but if the HPI rises in other countries, then the initial HPI should stand as the threshold.
 - d. Section 62 - if a company increases $>CPI$ in one year and then $=CPI$ in second year, no review will be triggered. So, companies could go in 2 year cycles where every other year they increase price at a level above CPI without triggering a review. This needs to be adjusted.
 2. It is concerning that not proceeding with a review is at the sole discretion of the chairperson as this is not a transparent process. I would suggest that a decision to not proceed with a review be voted on by the entire board although, for expediency, I think it is reasonable that a decision to proceed with a review could be made by the chairperson with notification of the board. In this respect, I would suggest that the standard be that reviews do proceed unless compelling reasons not to rather than vice versa.
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