

## Prescription Justice Methodology for U.S. House of Representatives Grade

One of our main goals at Prescription Justice is to hold our elected officials accountable for the crisis of high prescription drug prices. They have the power to change the situation but have not done so. We have graded members of the House to help voters know what their representatives are doing (or not doing) to lower drug prices. To do so, we have created a scoring methodology that reflects their commitments and actions on drug prices.

Many, if not most, congressional grades from policy interest and advocacy groups are based solely on voting records. The Prescription Justice methodology does look to voting records, but it also incorporates bills introduced and co-sponsored, policy positions affirmed on Congressional websites, and the amount of money a member of Congress takes from pharmaceutical manufacturers.

See Senate Prescription Justice grading methodology [[LINK TO SENATE](#)].

### HOW WE SCORE

A point value has been assigned to four factors, which are enumerated below, to determine a score and derive the grade, with a perfect score being 100.

1. Votes	30 points
2. Bill sponsorships/co-sponsorships	25 points
3. Campaign contributions	25 points
4. Policy positions on member websites	20 points

#### I. Votes (30 points)

In the 116<sup>th</sup> Congress, the House has thus far voted on three bills that would clearly serve the cause of lowering drug prices. Here are the bills and the point values for a Yea vote on that bill:

• H.R. 3 - Elijah E. Cummings Lower Drug Costs Now Act	15 points
• H.R. 3253 - Sustaining Excellence in Medicaid Act of 2019	7.5 points
• H.R. 987 - Strengthening Health Care and Lowering Prescription Drug Costs Act	7.5 points

Rationale: The 116<sup>th</sup> Congress in the House was the first in a long time to bring a substantive bill to the floor for votes that would have dramatically lowered drug prices, H.R. 3. The other bills contained policies that improve the outlook on drug prices and taxpayer costs. Votes received the greatest point designation in tallying a score because, in the final analysis, lawmaking will actually stop the price gouging and endless price increases of drug companies. H.R. 3, as indicated, is clearly the strongest and was designated the most points. The other two bills included important provisions that address public payor and out-of-pocket costs and had bi-partisan appeal.

#### II. Sponsorship or co-sponsorship of relevant bills (25 points)

Members received points for sponsoring (2 points) or co-sponsoring (1 point) bills to lower drug prices or control costs. There were many bills introduced to lower drug prices that never came to a vote. Some members sponsored or co-sponsored almost all bills that would lower drug prices, others none.

*Policy categories*

To find relevant bills to score, we searched for “prescription drugs” on Congress.gov and included those that addressed or were related to the following general policy categories for lowering drug prices:

- Drug price negotiation
- Drug importation
- Generic availability
- Capping prices/preventing price gouging
- Increasing competition

We identified 48 bills related to these categories. Sponsoring a bill is worth two points; cosponsoring is worth one point.

#### *Not all policies are equal*

Not all bills hold equal weight when it comes to lowering drug prices. Per the list below, the policy categories are weighted on their potential effect to lower drug prices, especially patented medicines where there is no generic competition:

- 10 - Drug price negotiation
- 9 - Drug importation
- 8 - Generic availability
- 7 - Capping prices/preventing price gouging
- 6 - Increasing competition

For example, if a member sponsored a bill with a weight of 10, he or she received 20 points toward their raw score.

#### *Scaling to fit our point matrix*

Because the scores for the most active members far exceed the 25 points for the bill sponsorship factor, we use a weighted process to convert their raw score onto the 25-point scale.

- 1) List all the bills a member sponsored or cosponsored.
- 2) Multiply either 1 or 2 X the bill weight.
- 3) Add the scores for each member to create a raw score.
- 4) Apply the raw score to a 100-point scale (raw score/highest score), which yields a percent between 0% and 100%.
- 5) Translate the scaled score onto the 25-point scale (percent X 25 points)

Rationale: Members of Congress should be rewarded for taking the initiative to sponsor and co-sponsor bills that will end the crisis of high drug prices. This factor helps show which members are most committed to and active on the issue of lowering drug prices.

The following bills were introduced in the House for 116<sup>th</sup> Congress and are in line with the mission of Prescription Justice:

H.R. 1046 Medicare Negotiation and Competitive Licensing Act of 2019

H.R. 107 To amend title XIX of the Social Security Act to sunset the limit on the maximum rebate amount for single source drugs and innovator multiple source drugs.

H.R. 1188 FLAT Prices Act

H.R. 1344 Competitive DRUGS Act of 2019

H.R. 1384 Medicare for All Act of 2019

H.R. 1478 Affordable Insulin Act of 2019

H.R. 1499 Protecting Consumer Access to Generic Drugs Act of 2019

H.R. 1506 FAIR Generics Act

H.R. 19 Lower Costs, More Cures Act of 2019

H.R. 1959 Preserving Patient Access to Compounded Medications Act of 2019

H.R. 2038 State-Based, Market-Oriented, Prescription Drug Negotiations Act of 2019

H.R. 2069 SPIKE Act

H.R. 2375 Preserve Access to Affordable Generics and Biosimilars Act

H.R. 2452 Medicare for America Act of 2019

H.R. 2455 Ensuring Timely Access to Generics Act of 2019

H.R. 2700 Lowering Prescription Drug Costs and Extending Community Health Centers and Other Public Health Priorities Act

H.R. 275 Medicare Prescription Drug Price Negotiation Act of 2019

H.R. 2757 Creating Lower cost Alternative for Your prescription drugs Act

H.R. 3 Elijah E. Cummings Lower Drug Costs Now Act

H.R. 3253 Sustaining Excellence in Medicaid Act of 2019

H.R. 3276 Fair AMP Act

H.R. 3523 End Price Gouging for Medications Act

H.R. 366 Insulin Access for All Act of 2019

H.R. 3805 Prescription Drug Rebate Reform Act of 2019

H.R. 3947 Competition Prescription Act of 2019

H.R. 4010 Emergency Access to Insulin Act of 2019

H.R. 4158 CURE High Drug Prices Act

H.R. 4178 REFUND Act of 2019

H.R. 447 Affordable and Safe Prescription Drug Importation Act

H.R. 448 Medicare Drug Price Negotiation Act

H.R. 4619 Pharmaceutical Rebates for Excessive Pricing Above Inflation Act

H.R. 4629 Star Rating for Biosimilars Act

H.R. 4640 Affordable Pricing for Taxpayer-Funded Prescription Drugs Act of 2019

H.R. 4649 Capping Drug Costs for Seniors Act of 2019

H.R. 465 Prescription Drug Price Relief Act of 2019

H.R. 4663 Freedom from Price Gouging Act

H.R. 4769 Medicare Prescription Drug Savings and Choice Act of 2019

H.R. 478 Safe and Affordable Drugs from Canada Act of 2019

H.R. 4906 Insulin Price Reduction Act

H.R. 4913 To amend title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.

H.R. 5039 Life-Sustaining Prescription Drug Price Relief Act of 2019

H.R. 5364 End Price Gouging for Insulin Act

H.R. 5501 Affordable Drug Manufacturing Act of 2019

H.R. 938 BLOCKING Act of 2019

H.R. 965 CREATES Act of 2019

H.R. 985 FAST Generics Act of 2019

H.R. 987 Strengthening Health Care and Lowering Prescription Drug Costs Act

H.R. 990 Hatch-Waxman Integrity Act of 2019

**Note:** A complicating factor in assigning point values to bill sponsorship is that it may result in lower scores for members in Congressional leadership positions who are less likely to sponsor and co-sponsor bills, even ones they support.

### **III. Pharma donations (25 points)**

Members were scored on campaign contributions from pharmaceutical companies, based on the amounts received proportionate to contributions from other sources and relative to other members. The source data for dollar contributions is from the Center for Responsive Politics (OpenSecrets.org).

For this factor, the smaller the amount of campaign contributions from pharmaceutical companies, the higher the score and vice versa.

The scoring for this factor is a six-step process:

- 1) Rank the members by the amount of money received from pharmaceutical companies.
- 2) Divide the pharma contributions by all campaign contributions for each member.
- 3) Per step 2, rank the members by the resulting percentages.
- 4) Add the ranks together.
- 5) Apply the raw score to a 100-point scale (raw score/highest score), which yields a percent between 0% and 100%.
- 6) Translate the scaled score onto the 25-point scale (percent X 25 points).

Rationale: Money in politics is one of the biggest obstacles to bringing about serious legislative and regulatory reforms to lower drug prices: the more money candidates receive from the pharmaceutical industry, the more likely their vote will favor the industry. In addition to hundreds of millions of dollars in campaign contributions, pharmaceutical companies have spent billions of dollars lobbying Congress against policies that would reduce drug prices. That's why members who did not take any money from drug companies scored high for this factor and vice versa.

#### **4) Soft data. Member website statements advocating actions for reducing drug prices**

Each member of Congress has their own website, where they often list the legislative and policy issues of greatest importance to them. Those websites were reviewed for policy positions related to lowering drug prices. Points were allocated where support for policies to lower drug prices were articulated on:

- Drug price negotiation
- Drug importation
- Generic availability
- Capping prices/preventing price gouging
- Increasing competition

Points were allocated as follows:

Prescription drug price reduction is listed as one of their major issues	10 points
Prescription drug price reduction is mentioned under Healthcare as an important component	7 points
Prescription drug price reduction is mentioned somewhere on the website	3 points
Price negotiation is specifically advocated	2 points
Increasing access to generics is specifically advocated	2 points
Reducing barriers to drug importation is specifically advocated	2 points
Capping prices is specifically advocated	2 points
Increasing price transparency and competition is specifically advocated	2 points
<b>Maximum total score</b>	<b>20 points</b>

Rationale: Members should be rewarded for going on the record because it helps build momentum in favor of a policy. Some members of Congress did not mention drug prices at all on their websites. The scorecard assesses those members as ones who are not prioritizing drug prices and will therefore receive no points for this factor. Members of Congress do not always introduce or co-sponsor bills but still support the policies that those bills would create. In some cases, they may not even vote for certain bills that contain policies that they support because the bill would enact other policies that they do not support. Certain bills may not go far enough in support of a certain policy and a member places a protest vote against it. Finally, many bills are highly and inherently partisan and a vote can be taken by a member along party lines when that member has otherwise remained silent on the policies they are voting for.

#### **Formulating a final letter grade from the score**

The scores assess a member's dedication to lowering drug prices and compares members to one another. To achieve that the scores are curved. To derive a letter grade, the following method is used:

- Add the scores of the four aforementioned factors, with members' raw scores ranging from 6 to 98, then translated onto a 100-point scale
- Adjust that scaled score using a Texas curve (square root of raw score X 10)
- Apply a conventional grading scale (A+ 97-100, A 94-96, A- 91-93, B+ 87-90, B 84-86, B- 81-83, etc.)\*

**\*Prescription Justice Pledge.** Scores can be increased by members who fill-out a drug price policy questionnaire: <https://prescriptionjustice.org/political-accountability/the-pledge>. For each "Yes" answer, members will increase their *raw scores* by two points. It is referred to as the Prescription Justice Pledge. Those members who fill out *every question* with a Yes answer will move up a full grade.

Campaign donation data is provided by the [Center for Responsive Politics](#). For more information on our research, methodology and process, please [contact us](#).

**Note on members of the 116 Congress:**

Grading members serving as of May 1, 2020 as found on Congress.gov, which means five vacancies:

- NY 27
- WI 7
- CA 25
- CA 50
- NC 11

Authoritative list of members from Congress.Gov.