



February 23, 2026

The Honorable Dr. Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services
The Honorable Abe Sutton, Director of the Center for Medicare & Medicaid Innovation
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244

Re: Request for Comments on the Guarding U.S. Medicare Against Rising Drug Costs (GUARD) Model
Docket ID: CMS-5546-P

Submitted by: Consumer Action for a Strong Economy (CASE)

Dear Administrator Oz and Director Sutton:

On behalf of Consumer Action for a Strong Economy (CASE), a leading national advocate for pro-growth, free market policies that support American consumers, we respectfully submit the following comments opposing the [Guarding U.S. Medicare Against Rising Drug Costs \(GUARD\)](#) model proposed under the Center for Medicare and Medicaid Innovation (CMMI), and urge the Centers for Medicare and Medicaid Services (CMS) to repeal the model in its entirety.

Prescription drug access and affordability remain a top concern for consumers nationwide. Addressing that concern requires policies that preserve a competitive marketplace – one that ensures access to medicines today while sustaining the innovation needed to lower costs and improve outcomes over time. The GUARD model fails to meet this standard by advancing a most-favored-nation (MFN) pricing framework into Medicare Part D, effectively tying U.S. drug prices to artificial benchmarks set by foreign governments.

By effectively codifying MFN pricing through CMMI, the GUARD model would alter the current market dynamics that help consumers access innovative treatments. History shows that government-imposed price controls weaken incentives for research and development (R&D), reducing investment in new therapies. As a result, over time, fewer medical breakthroughs would lead to a less competitive marketplace, effectively stifling innovation and driving up long-term costs for patients. In fact, the GUARD model could increase beneficiaries' [costs by \\$3.6 billion](#), forcing patients to pay more through higher premiums and out-of-pocket expenses.

Additionally, GUARD would undermine America's leadership in medical innovation by ceding ground to foreign competitors, like China, while aligning U.S. policy with countries that do not prioritize patient access, transparency, or choice.

Recent experience with government price-setting under the Inflation Reduction Act demonstrates that such policies do not empower consumers but rather jeopardize consumers' access to potentially lifesaving medical breakthroughs. Expanding MFN would harm American patients and providers and directly undermine the administration's stated objective of strengthening U.S. leadership in biopharmaceutical innovation, investment, and patient access.

Policymakers should instead pursue market-driven reforms that prioritize innovation and affordability. These solutions include curbing pharmacy benefit manager (PBM) abuses, reforming the broken 340B program, and advancing America-first trade policies that require other nations to pay their fair share for medical innovation.

CASE strongly urges CMS to reject and fully withdraw the GUARD model and to oppose any efforts to codify most-favored-nation (MFN) pricing into U.S. healthcare policy.

Thank you for your time and consideration.

Sincerely,

Gerard Scimeca
Consumer Action for a Strong Economy (CASE)