

All Copays Count Coalition

September 29, 2020

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, DC 20515

Re: Patient Groups Urge Support for H.R. 7647, Preserving Patient Savings on Drug Costs Act

Dear Speaker Pelosi and Leader McCarthy,

The member groups of the All Copays Count Coalition (ACCC) would like to extend our gratitude for the previous policy changes supporting access to health care for people with chronic illness as the unprecedented public health emergency of COVID-19 has ravaged our nation. Today, we write to you in support of H.R. 7647, the *Preserving Patient Savings on Drug Costs Act*, which is bipartisan legislation introduced by Representatives Donald McEachin and Rodney Davis. The Coalition urges you to include this legislation in the next package of COVID-19 response legislation to help patients with chronic illness afford the necessary prescription medication during this time of economic crisis.

H.R. 7647 would temporarily delay implementation of the “copay accumulator adjustment program” provision of the Department of Health and Human Services’ 2021 Notice of Benefit Payment Parameter (NBPP). This provision allows health insurers to institute costly copay accumulator adjustment programs (CAAPs), which increase out-of-pocket costs for patients with chronic illness. A “copay accumulator adjustment program” is a policy adopted by insurers and pharmacy benefit managers (PBMs) that prevents copayments made by patients using manufacturer copay assistance from being applied toward a patient’s annual deductible or out-of-pocket limit. Manufacturer copay assistance is primarily used by patients with chronic illnesses such as cancer, HIV, and multiple sclerosis, who rely on high-cost, specialty medications to stay healthy or to prevent their condition from worsening. In effect, copay accumulator adjustment programs increase patient costs and create a financial barrier to accessing prescription drugs, ultimately putting patients’ health and safety at risk. COVID-19 further compounds the hardship for patients subjected to these policies as they struggle to make ends meet as a result of this economic crisis.

As a coalition representing millions of patients with kidney disease, hemophilia, arthritis, cancer, HIV, multiple sclerosis and other serious chronic conditions nationwide, ACCC has been a leader on the issue of copay accumulators, educating legislators, policy makers, and insurance regulators about the harm these programs cause patients and emphasizing the importance of copay assistance. In recent years, many health insurers have shifted more financial responsibility onto patients with chronic illnesses by increasing deductibles, raising copayments, expanding drug formulary tiers, and increasing the patient’s share of the cost of medications. As a result, copay assistance has become a necessity for many patients

to be able to afford their life-saving medicines. For many disease states there are no lower-cost treatments or generic equivalent treatments available.

The 2021 NBPP, finalized in May of this year, grants issuers the discretion not to count manufacturer copay assistance toward a beneficiary's annual cost sharing, regardless of generic availability. Despite our urging to reconsider their position prior to finalizing the rule (and despite taking the opposite stance in the 2020 NBPP), HHS proceeded as planned, failing to protect patients amidst a global pandemic. ACCC now turns to Congress to act on the bipartisan goal of making prescription drugs more affordable for everyone. Passing this legislation will provide patients with the much-needed assurance that they will be able to afford their prescription drugs during this time of great uncertainty, *with no impact on the federal budget*.

We again appreciate your commitment to protecting Americans, expanding healthcare access, and lowering out-of-pocket costs for patients. The actions you are taking will not only help vulnerable individuals and families today, but throughout the duration of this healthcare crisis, and beyond. The All Copays Count Coalition Steering Committee welcomes to opportunity to serve as a resource if you should have any questions.

Sincerely,

All Copays Count Coalition Steering Committee

Anna Hyde, Vice President of Advocacy and Access, Arthritis Foundation
Lindsay Gill, Associate Director of State Policy & Advocacy, American Kidney Fund
Kim Czubaruk, Senior Director of Policy and Advocacy, Cancer Support Community
Kollet Koulianos, Senior Director Payor Relations, National Hemophilia Foundation
Kim Calder, Senior Director of Health Policy, National Multiple Sclerosis Society
Rachel Klein, Deputy Executive Director, The AIDS Institute

All Copays Count Coalition Members

Aimed Alliance
Alliance for Patient Access
American Autoimmune Related Diseases Association
American Kidney Fund
American Liver Foundation
Arthritis Foundation
California Chronic Care Coalition
Cancer Support Community
Chronic Care Policy Alliance
Chronic Disease Coalition
Coalition of State Rheumatology Organizations
Community Liver Alliance
Cystic Fibrosis Engagement Network
Cystic Fibrosis Research, Inc. (CFRI)
Depression and Bipolar Support Alliance
Diabetes Leadership Council
Diabetes Patient Advocacy Coalition (DPAC)
GBS|CIDP Foundation International
Hawaii Parkinson Association
Hemophilia Federation of America
HIV + Hepatitis Policy Institute

Huntington's Disease Society of America
Immune Deficiency Foundation
International Myeloma Foundation
Little Hercules Foundation
LUNgevity Foundation
Lupus and Allied Diseases Association, Inc.
Lupus Foundation of America
METAVivor
MLD Foundation
Movement Disorders Policy Coalition
Multiple Sclerosis Association of America
National Ataxia Foundation
National Hemophilia Foundation
National Multiple Sclerosis Society
National Organization for Tardive Dyskinesia
National Pancreas Foundation
National Psoriasis Foundation
NORD
Parkinson & Movement Disorder Alliance
Patient Access Network (PAN) Foundation
Patient Services, Incorporated
Pulmonary Hypertension Association
Rheumatology Nurses Society
Spondylitis Association of America
The AIDS Institute
The Headache and Migraine Policy Forum
The Michael J. Fox Foundation for Parkinson's Research
US Hereditary Angioedema Association
Western Pennsylvania Chapter of the National Hemophilia Foundation