

# All Copays Count Coalition

May 17, 2021

The Honorable Xavier Becerra U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Re: Patient Cost Sharing and Prescription Drug Access

Dear Secretary Becerra,

The All Copays Count Coalition (ACCC) is comprised of more than 60 organizations serving the interest of people with serious and complex chronic health conditions who rely on copay assistance to afford necessary and life-saving medications. We urge the Department of Health and Human Services to take quick action to reverse a policy enacted by the Trump Administration in the 2021 Notice of Benefit and Payment Parameters that undercuts copay assistance, resulting in increased costs for patients in the midst of an unprecedented pandemic (and beyond) with enormous health and economic impact on individuals and families across the nation.

The 2021 Notice of Benefit and Payment Parameters (NBPP), issued as final in May 2020, permitted health insurance issuers and pharmacy benefit managers (PBMs) to adopt a practice referred to as a “copay accumulator adjustment program.” Under these arrangements, insurance issuers and PBMs are allowed to receive double payments - accepting patients’ manufacturer copay assistance for specialty medications, but not counting such payments toward the patient’s annual deductible or out-of-pocket limit. Most patients are unaware of this practice until they are faced with the daunting choice of paying a pharmacy bill that could be thousands of dollars or foregoing the medication they need to stay healthy or prevent deterioration of their condition.

In comments on the proposed 2022 Notice of Benefit and Payment Parameters and in other communications with the Department and the Centers for Consumer Information and Insurance Oversight (CCIIO), we have urged that copay accumulator adjustment programs be prohibited to ensure that patients with chronic illness can afford their treatments. We understand that there will be a new proposed rule this spring pursuant to President Biden’s Executive Order 14009 – Strengthening Medicaid and the Affordable Care Act – focusing on increasing access to care. We again urge you to use this opportunity to **ban the practice of copay accumulator adjustment programs and require health insurance issuers and PBMs to count all cost-sharing payments made by or on behalf of a patient toward that patient’s annual deductible and out-of-pocket maximum.**

We applaud the Biden Administration’s demonstrated commitment to expanding access to health care, strengthening patient protections, and addressing out-of-pocket costs. Over the past decade, insurance benefit design has increasingly shifted costs to patients through higher deductibles, more cost-sharing tiers for prescription drugs, and use of coinsurance based on list price rather than flat dollar copayments for higher-cost health care services, including prescription drugs. The out-of-pocket limit, once considered a backstop to ensure that people with health insurance could afford care and medications without trading the ability to meet their basic needs, has increased so significantly it is well beyond the ability of most Americans to meet it. We urge you to take action to ensure vulnerable patients who struggle to afford their essential specialty medications will be able to meet the high copays and co-insurance, get their prescriptions at the pharmacy counter, and maintain their health.

We appreciate your attention to this issue of prescription drug access, and would like to work together to identify better solutions and new opportunities to lower health care costs for patients, such as

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ensuring all copays count. Should you have any questions please do not hesitate to reach out to any of the undersigned ACCC steering committee members.

Respectfully,

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## All Copays Count Coalition Members

Aimed Alliance

Alliance for Patient Access

Alpha-1 Foundation

American Autoimmune Related Diseases Association

American Kidney Fund

Arthritis Foundation

California Chronic Care Coalition

Cancer Support Community

Chronic Care Policy Alliance

Chronic Disease Coalition

Community Liver Alliance

Crohn's & Colitis Foundation

Cystic Fibrosis Foundation

Diabetes Leadership Council

Diabetes Patient Advocacy Coalition

Epilepsy Foundation

Global Healthy Living Foundation

Haystack Project

Hemophilia Federation of America

HIV + Hepatitis Policy Institute

Huntington's Disease Society of America

Immune Deficiency Foundation

International Myeloma Foundation

LUNgevity Foundation

Lupus and Allied Diseases Association, Inc.

Lupus Foundation of America

Multiple Sclerosis Association of America

National Eczema Association

National Hemophilia Foundation

National Multiple Sclerosis Society

Ovarian Cancer Research Alliance

Patient Access Network (PAN) Foundation

Pulmonary Hypertension Association

Rheumatology Nurses Society

Spondylitis Association of America

Susan G. Komen

The AIDS Institute

Western Pennsylvania Chapter of the National

Hemophilia Foundation

## Supporting Organizations

American College of Rheumatology

CC:

Ann Reid, Chief of Staff, Office of the Secretary

Liz Richter, Acting Administrator, CMS

Jeff Wu, Acting Director CCIIO, CMS

Jeff Grant, Acting Director CCIIO