July 1, 2020

Dear Representative:

Throughout the country, millions of patients rely on cost-sharing assistance programs, which reduce patient out-of-pocket costs for prescription medications. For many individuals, these cost reductions are significant, allowing them to afford the medications necessary to treat acute and chronic conditions. Without reliable access to these medications, patients will face complications and worsened health outcomes.

On behalf of patients we represent, we strongly oppose recent policy changes in the 2021 Notice of Benefit and Payment Parameters (NBPP) that would allow the exclusion of manufacturer cost-sharing assistance from counting towards patients' out-of-pocket maximums in the commercial market. This policy will prevent patients from accessing the medications they depend upon and create unnecessary barriers to maintaining effective treatment plans, especially during the global Covid-19 pandemic.

Therefore, we urge Congress to pass legislation that would delay the implementation of this rule to at least 2022 and reinstate the limitations on copay accumulators included in the 2020 NBPP to ensure co-pay assistance counts for brand name drugs that do not have a generic alternative. This would allow the Centers for Medicare & Medicaid Services (CMS) additional time to gather stakeholder input on the value of cost-sharing assistance and issue guidance limiting copay accumulators. This will protect patients from the negative impact of this rule during the current public health emergency and allow for a more thoughtful and deliberative rulemaking process to occur in 2022.

When a patient’s cost-sharing assistance for the year is exhausted because of an accumulator adjustment program, the patient can face thousands of dollars in unexpected costs at the pharmacy. For patients with chronic diseases who rely on multiple medications to maintain health, this unexpected increase in the costs of their medications could cause patients to discontinue treatment. This is unacceptable.

Due to this rule change, it is expected that many commercial and employer-sponsored insurance plans will implement or expand the use of accumulator adjustment programs. The implementation of these programs by insurers and
pharmacy benefit managers (PBMs) has already been on the rise, and this rule will eliminate any remaining barrier to prevent insurers from taking this action.

For even the savviest consumer, health insurance plans are complex and difficult to decipher. Therefore, the addition of these accumulator adjustment programs to beneficiaries’ existing plans could easily go unnoticed. This is even more likely when they are given misleading monikers, like co-pay protection programs, as has been seen. Therefore, not only will patients face a significant increase in costs, most will have little advance notice of the change and therefore, will have no opportunity to plan for these increased costs.

Further, patients are facing unprecedented risk and hardship during the ongoing pandemic. Many families are experiencing economic insecurity due to lost jobs and for others care has been disrupted due to the country’s ongoing response to the coronavirus. This is the worst possible time to further jeopardize the protections and support on which patients rely.

We greatly appreciate your assistance in safeguarding the care that our patients rely upon and ensuring that access to critical medications and treatments is not interrupted. Please quickly pass legislation to delay implementation of this policy and protect access to needed treatments.

Should you have any questions or comments, please contact: Liz Helms, Director, CCPA, lizh@chroniccarealliance.org or Carl Schmid, Executive Director, HIV+Hepatitis Policy Institute, cschmid@hivhep.org. Thank you very much.

Sincerely,

Chronic Care Policy Alliance
HIV+Hepatitis Policy Institute

**National Organizations**
Aimed Alliance
Allergy & Asthma Network
Alliance for Patient Access
American Association of Clinical Urologists (AACU)
American Autoimmune Related Diseases Association (AARDA)
American Behcet’s Disease Association (ABDA)
American Bone Health
American College of Rheumatology
American Kidney Fund
Arthritis Foundation
Association of Women in Rheumatology
Caregiver Action Network
Chronic Disease Coalition  
Coalition of State Rheumatology Organizations  
Consumers for Quality Care  
Cutaneous Lymphoma Foundation  
Cystic Fibrosis Research, Inc. (CFRI)  
Dermatology Nurses' Association  
Diabetes Patient Advocacy Coalition (DPAC)  
FORCE: Facing Our Risk of Cancer Empowered  
G III Associates, LLC  
GLMA: Health Professionals Advancing LGBTQ Equality  
Global Healthy Living Foundation  
Global Vitiligo Foundation  
HealthHIV  
HealthyWomen  
Hemophilia Federation of America  
House of Blahnik  
Immune Deficiency Foundation  
International Cancer Advocacy Network (ICAN)  
International Foundation for Autoimmune & Autoinflammatory Arthritis (AiArthritis)  
International Myeloma Foundation  
International Pemphigus and Pemphigoid Foundation  
International Topical Steroid Awareness Network  
Kaiser Permanente MDV  
LUNGevity Foundation  
Lupus Foundation of America  
Men’s Health Network  
Multiple Sclerosis Association of America  
National Alopecia Areata Foundation  
National Coalition for LGBT Health  
National Diabetes Volunteer Leadership Council  
National Eczema Association  
National Hemophilia Foundation  
National Infusion Center Association  
National Minority Quality Forum  
Neuropathy Action Foundation  
Ovarian Cancer Research Alliance (OCRA)  
Patient Access Network (PAN) Foundation  
Patients Rising Now  
Presbyterian HIV Network, PHEWA, Presbyterian Church USA  
Pulmonary Fibrosis Foundation  
Pulmonary Hypertension Association
RetireSafe
Scleroderma Foundation
Scleroderma Research Foundation
The AIDS Institute
The Foundation for Sarcoïdosis Research
The Hepatitis C Mentor and Support Group, Inc. – HCMSG
The Little Hercules Foundation

State/Local Organizations
Medical Advocacy & Outreach (Alabama)
Axis Advocacy (California)
California Chronic Care Coalition (California)
California Life Sciences Association (CLSA) (California)
HIV + Aging Research Project--Palm Springs (California)
Let's Kick ASS ~ AIDS Survivor Syndrome (California)
LGBT Community Center of the Desert (California)
Looms for Lupus, Inc (California)
Medical Oncology Association of Southern California (MOASC) (California)
California Health Collaborative (California)
Colorado Chronic Care Collaborative (Colorado)
Let's Talk About Change LLC (Colorado)
One Colorado (Colorado)
Anchor Health Initiative (Connecticut)
Optimus Healthcare Inc. (Connecticut)
Delaware HIV Consortium (Delaware)
South Florida Cancer Association (Florida)
The McGregor Clinic, Inc. (Florida)
Hep Free Hawaii (Hawaii)
AIDS Foundation Chicago (Illinois)
Aspire Indiana Health (Indiana)
SLK Health Services (Maryland)
North Shore Alliance of Gay and Lesbian Youth (Massachusetts)
McClees Clinic (Michigan)
Mercy Health (Michigan)
Midwest Children's Resource Center (Minnesota)
BlaqOut, Inc. (Missouri)
SAVE, Inc. (Missouri)
WU Peds ID/Project ARK/The Spot (Missouri)
Midwest Hemophilia Association (Missouri)
Hemostasis and Thrombosis Center of Nevada (Nevada)
Nevada Chronic Care Collaborative (Nevada)
Joan G Lovering Health Center (New Hampshire)
New Jersey Mayors Committee on Life Sciences (New Jersey)
Havas Tonic (New York)
Mount Sinai Institute for Advanced Medicine (New York)
Equality North Carolina (North Carolina)
Mental Health America of Ohio (Ohio)
Ohio Association of Rheumatology (Ohio)
Ohio Bleeding Disorders Council (Ohio)
Ohio Chapter National Association of Pediatric Nurse Practitioners (Ohio)
Ohio State Grange (Ohio)
OHSU Partnership Project (Ohio)
Eastern Oregon Center for Independent Living (Oregon)
HIV Alliance (Oregon)
Foundation for Ichthyosis & Related Skin Types, Inc. (Pennsylvania)
Congreso de Latinos Unidos (Pennsylvania)
Einstein Healthcare Network (Pennsylvania)
North Central District AIDS Coalition, Incorporated (Pennsylvania)
Medical Sciences, University of Puerto Rico (Puerto Rico)
Connect to Protect (Tennessee)
Avita Pharmacy (Texas)
Regarding Cancer (Texas)
Gay City: Seattle’s LGBTQ Center (Washington)
Seattle Counseling Service (Washington)
AIDS Task Force of the Upper Ohio Valley (West Virginia)