



## Alliance for Patient Access

March 26, 2024

The Honorable Joseline Pena-Melnyk  
Health and Government Operations Committee  
Chair  
241 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

The Honorable Bonnie Cullison  
Health and Government Operations Committee  
Vice Chair  
241 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

### **Re: Support for SB 595 - Copay Accumulator Reform**

Dear Chair Pena-Melnyk and Vice Chair Cullison:

On behalf of the Alliance for Patient Access (AfPA), I am writing in support of SB 595, legislation that would ensure that all payments made to insurance companies for medicines, including those made with copay assistance, are applied to patients' out-of-pocket expense obligations. The bill will allow patients to continue using copay assistance to access their medications, while also being protected from surprise out-of-pocket costs.

Founded in 2006, AfPA is a national network of policy-minded health care providers who advocate for patient-centered care. AfPA supports health policies that reinforce clinical decision making, promote personalized care and protect the clinician-patient relationship. Motivated by these principles, AfPA members participate in clinician working groups, advocacy initiatives, stakeholder coalitions and the creation of numerous educational materials for patients, providers, and lawmakers.

Copay assistance is often of critical importance for patients, particularly those with chronic or rare diseases. Copay assistance provides payment toward a patient's prescription copay requirements, helping increase access to treatment options. However, in recent years, many health plans have instituted a practice in which patient payments made using available copay assistance is allowed for payment but then excluded from being counted towards a patient's annual deductible, or out-of-pocket cost limit. These practices are known as copay accumulator programs, and they can significantly limit access for patients. The prevalence of these programs continues to grow - between 2018 and 2023, the implementation of copay accumulators for commercially insured patients rose from 28% to 49%.<sup>1</sup>

At the same time, health plans have also shifted more costs to the patient by instituting coinsurance rather than copays. Coinsurance requires a beneficiary to pay a percentage of the list price of a medication, making the out-of-pocket costs significantly higher to a patient than that of a medication with a set copay. Copay assistance fills an important and necessary role in assisting the patient as they are required by insurers to take on more health care costs today than ever before. Most drugs that have copay assistance available do not have any lower-cost generic alternative. For the few that do, the alternatives might not fit the patient's specific disease state, or the patient may have already tried and failed the alternative treatment.

Copay accumulator programs can hinder patient care by increasing out-of-pocket costs for patients, leading to patients – regardless of their health status – switching medications based on unforeseen expense. Patients

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<sup>1</sup> <https://www.drugchannels.net/2024/02/copay-accumulator-and-maximizer-update.html>

may also abandon their medication altogether, as these programs can leave patients with unanticipated medical bills of hundreds or even thousands of dollars. These consequences put patients at risk for re-emerging symptoms and new side effects and place an undue burden on patients already managing complex conditions. Re-emerging symptoms and new side effects can lead to worsening conditions, leading to increased costs to the health care system via increased need for clinician and emergency room visits.

For more information about copay accumulators, please see AfPA's copay accumulator [position paper](#), which outlines key principles related to copay accumulators:

- Limit the use of copay accumulators.
- Require patient notification.
- Require transparency on patients' out-of-pocket costs.

Nineteen states have already passed copay accumulator reform legislation to help their residents. SB 595 will protect access by ensuring that all payments made on behalf of a patient – including those made using copay assistance – count toward that patient's out-of-pocket maximum. These reforms will protect patients from the surprise out-of-pocket costs associated with copay accumulator programs, support optimal patient health, and ensure the clinician-patient relationship remains intact.

On behalf of Maryland patients and the Alliance for Patient Access, we urge your support for SB 595 throughout the legislative process to ensure patients can access the treatments they need.

Sincerely,



Josie Cooper  
Executive Director  
Alliance for Patient Access

Cc: Del. Tiffany Alston  
Del. Harry Bhandari  
Del. Terri Hill  
Del. Anne Kaiser  
Del. Robbyn Lewis  
Del. Ashanti Martinez  
Del. Deni Taveras  
Del. Jamila Woods  
Del. Thomas Hutchinson  
Del. Matthew Morgan  
Del. Kathy Szeliga  
Del. Heather Bagnall  
Del. Pam Guzzone  
Del. Steve Johnson  
Del. Kenneth Kerr  
Del. Lesley Lopez  
Del. Samuel Rosenberg  
Del. Jennifer White Holland  
Del. Brian Chisholm  
Del. Nicholas Kipke  
Del. Teresa Reilly