



Senator Pamela Beidle
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

February 24, 2025

Re: Health Benefit Plans – Calculation of Cost Sharing Contribution – Requirements

Dear Chair Beidle, Vice Chair Hayes and Honorable Committee Members:

The AIDS Institute, a non-partisan, nonprofit organization dedicated to improving and protecting health care access for people living with HIV, hepatitis, and other chronic health conditions, is writing in **support of SB 773**. This bill will immediately and directly help vulnerable patients who are struggling to afford their specialty prescription medications.

Even with insurance, many patients are unable to meet the high deductibles in marketplace plans, and the high coinsurance associated with specialty drugs. To help cover the cost of their copayment, patients often rely on copay assistance from manufacturers and charitable foundations. Access to these treatments is critical for individuals with serious, chronic conditions to stay healthy, remain in the workforce, and out of the emergency department. Without copay assistance, many patients abandon their prescriptions at the pharmacy, or take measures to ration their doses, to the detriment of their health.¹

Senate Bill 17 will address the negative effects of a policy that many insurers and pharmacy benefit managers are instituting that limits patients' ability to afford and access medications. Through copay accumulators and other copay diversion policies, insurers and PBMs divert copay assistance funds intended for the patient to their own bottom lines. Like underwriting tactics before the passage of the Affordable Care Act, these policies undermine coverage for the most serious conditions (HIV, hepatitis, multiple sclerosis, hemophilia, cancer, and lupus to name a few). By restricting access to these life-saving prescriptions, insurers and PBMs are

¹ Kaiser Family Foundation, Poll: Nearly 1 in 4 Americans Taking Prescription Drugs Say It's Difficult to Afford Their Medicines, including larger shares among those with health issues, with low incomes, and nearing Medicare age, March 1, 2019, <https://www.kff.org/health-costs/press-release/poll-nearly-1-in-4-americans-taking-prescription-drugs-say-its-difficult-to-afford-medicines-including-larger-shares-with-low-incomes/>

costing the healthcare system more when patients seek care in emergency settings and their conditions have worsened to require more intensive interventions.

Opponents of the bill claim that copay assistance steers patients to higher costs drugs. However, a study from IQVIA found that only **0.4% of copay assistance use in the commercial market was for brand name drugs that have a generic equivalent.**² These patients do not have cheaper or other alternatives. And most importantly, patients must be approved for a medication by the insurers and PBMs through utilization management protocols, such as step therapy and prior authorization, before they are granted access to a specialty medication. The proposed legislation will protect patient access to critical medications and lower healthcare costs as patients remain adherent to their treatment regimens.

Enrollees are currently shopping for health insurance plans for 2025. Insurers and PBMs keep information about copay accumulators unclear, leaving patients unsure what exactly their health plan covers. For example, in a review of 2025 marketplace plans, The AIDS Institute found that three of the six plans (CareFirst Blue Cross Blue Shield PPO, CareFirst Blue Choice HMO & Wellpoint) offered in Maryland include copay accumulator adjustment policies (otherwise known as CAAP) language. This puts the vast majority of patients across the state in a vulnerable position, unable to select a plan that will fit their health care needs and allow them to afford their prescriptions.

We strongly urge you to pass SB 773 to protect patient access to life saving medications.

Sincerely,

Naomi Gaspard,
Policy Manager
The AIDS Institute

² IQVIA. "Evaluation of Co-Pay Card Utilization." Available online at: <https://www.iqvia.com/locations/united-states/library/fact-sheets/evaluation-of-co-pay-card-utilization>.