



The Maryland All Copays Count Coalition

February 24, 2025

Senate Finance Committee

SB 773 – Health Benefit Plans - Calculation of Cost Sharing Contribution - Requirements

Position: SUPPORT

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

The Maryland All Copays Count Coalition, which includes the undersigned organizations, write to you in support of SB 773. **This legislation would ensure that copay assistance, a vital source of financial assistance for Maryland patients to afford their medication, will count towards deductibles and out-of-pocket maximums.**

Our coalition represents Marylanders living with chronic and rare conditions who rely on high-cost specialty drugs. The specialty medications required to manage these complex conditions are often placed on the highest cost-sharing tier of health plan formularies — resulting in high out-of-pocket costs. To offset high out-of-pocket costs, patients will apply for and receive copay assistance. Individuals will enroll in the copay assistance programs offered by the manufacturer that produces their medication or apply to receive financial assistance from non-profit entities.

In recent years, health insurers and pharmacy benefit managers (PBMs) have begun implementing new policies that prevent any copay assistance funds from counting toward patients' deductibles and out-of-pocket maximums. These programs are often referred to as copay accumulator adjustment programs, or simply “copay accumulators”. These policies eliminate any benefit from copay assistance and result in a significant financial barrier to accessing treatment. When facing high out-of-pocket costs, patients do not use their medications appropriately, skipping doses to save money or abandoning treatment altogether.

A 2025 annual report found that 50% of marketplace plans in Maryland have copay accumulator adjustment policies.¹ These plans include:

- CareFirst BlueChoice (HMO)
- CareFirst BlueCross BlueShield (PPO)
- Wellpoint

¹ Available at <https://aidsinstitute.net/documents/TAI-2025-Report.pdf>

Health insurers say that copay accumulators “...*help nudge patients toward lower cost, higher value choices*”², however, a prior analysis showed that for all commercial market claims for specialty medications where copay assistance was used, less than 1% of those claims were for a product that may have a generic alternative available.³ Simply put, patients don’t choose a more costly drug.

Patients and providers work together to determine a treatment plan that works best for them. Copay assistance is only utilized *after* a patient, provider, and their health plan have approved their access to that medication. This process often involves patients going through prior authorization, step therapy, and other forms of utilization management to demonstrate that the medication identified by their provider is the best choice for them. Patients and families overcome these barriers only to encounter challenges with affording their out-of-pocket costs. Subsequently, the financial assistance they intend to use to help with out-of-pocket costs is not counted due to a copay accumulator policy. This is tragic and represents a financial barrier to care that is unacceptable.

To date, 21 other states (including neighbors Virginia, West Virginia, and Delaware), the District of Columbia and Puerto Rico have passed similar legislation to ensure copay assistance counts towards insurance deductibles and out-of-pocket maximums. We respectfully request your support for SB 773 to ensure Marylanders can fully access the lifeline that copay assistance provides.

Sincerely,

ALS Association
American Cancer Society Cancer Action Network
Arthritis Foundation
Chronic Care Policy Alliance
Crohn’s & Colitis Foundation
EveryLife Foundation for Rare Diseases
Hemophilia Federation of America
Hemophilia Foundation of Maryland
HIV+Hepatitis Policy Institute
Immune Deficiency Foundation
Lupus and Allied Diseases Association
MedChi, The Maryland State Medical Society
National Bleeding Disorders Foundation
National Psoriasis Foundation
Spondylitis Association of America
Susan G. Komen
The AIDS Institute

² AHIP statement available at <https://www.ahip.org/news/press-releases/ahip-files-amicus-brief-in-support-of-copay-coupon-accumulators>

³ Available at <https://www.iqvia.com/locations/united-states/library/fact-sheets/evaluation-of-co-pay-card-utilization>