

# **HIV+HEP**

## POLICY INSTITUTE

May 16, 2023

Mayor Muriel Bowser  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Mayor Bowser,

The **HIV+Hepatitis Policy Institute** is a leading HIV and hepatitis policy organization based in D.C. that promotes quality and affordable healthcare for people living with or at risk of HIV, hepatitis, and other serious and chronic health conditions. Additionally, I am a 44-year resident of the District of Columbia and have lived in Ward 1 for almost all those years. **It is a pleasure to voice our strong support for and ask that you sign the “Copay Accumulator Amendment Act of 2023” (Bill 25-0141), which would require health insurers to accept and count payments made on behalf of patients towards deductibles and out-of-pocket maximums.** The Act received unanimous support before the Committee on Health and during the full Council consideration on April 4<sup>th</sup> and May 2<sup>nd</sup>.

People with HIV, hepatitis, and others with serious and chronic conditions rely on medications to remain healthy and alive. People with HIV and hepatitis B rely on drug regimens that they must take for the rest of their lives, while people with hepatitis C can be cured of their disease in as little as 8 to 12 weeks. However, even though people may have health insurance, access to these medications can be insurmountable for many due to high deductibles and cost-sharing, which is often co-insurance or a percentage of the list price of the drug. Copay assistance is critical for patients to afford and adhere to their medications. It is particularly important during these difficult times when so many individuals and families are facing increased costs and inflation.

However, more and more insurers and PBMs have instituted harmful policies that do not apply copay assistance towards beneficiaries' out-of-pocket costs and deductibles. These policies are often referred to as “copay accumulator adjustment programs.” When implementing them the insurer actually collects the copay assistance from the drug manufacturer and the patient is able to pick up their medication, but that copay assistance is not counting towards the beneficiary's deductible or out-of-pocket obligation. Then, later in the year, when the beneficiary goes to pick up their drug, they find out that copay assistance did not count and are stuck with a huge, unexpected copay. In order to pick up their drug they are forced to come up with often thousands of dollars, which few people have. Insurers are double dipping: first they receive the copay assistance from the drug manufacturer and then they collect it again from the beneficiary.

To make matters worse, issuers continue to conceal these policies deep in plan documents and leave patients unaware of the increase in patient costs that they might be subject to. While no ACA compliant plans in DC currently have these policies, some in the past have, and these insurers are implementing them in other states and in ERISA plans.

**HIV + HEPATITIS** POLICY INSTITUTE

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**HIV+Hep** strongly supports the **“Copay Accumulator Amendment Act of 2023”** (Bill 25-0141). It simply requires that the copay assistance beneficiaries receive counts towards their out-of-pocket obligation. By signing this law, DC will join 17 other states (Arkansas, Arizona, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maine, Oklahoma, New Mexico, North Carolina, New York, Tennessee, Washington, West Virginia, and Virginia) and Puerto Rico in protecting consumers by assuring their copay assistance will count towards cost-sharing obligations.

For the benefit of DC residents who rely on prescription drugs to maintain their health, we urge you to sign Bill 25-0141. If you have any questions or need any additional information, please do not hesitate to reach out via phone at (202) 462-3042 or email at [cschmid@hivhep.org](mailto:cschmid@hivhep.org).

Thank you very much.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carl E. Schmid II', written in a cursive style.

Carl E. Schmid II  
Executive Director