



November 19, 2024

Sen. Todd Weiler
Rep. Jon Hawkins
Chairs
Judiciary Interim Committee
350 North State
Salt Lake City, Utah 84114

Re: Support “Health Insurance Modifications” so that Patients can Afford their Prescription Medications

Dear Sen. Weiler and Rep. Hawkins:

The **HIV+Hepatitis Policy Institute** is a leading HIV and hepatitis policy organization promoting quality and affordable healthcare for people living with or at risk of HIV, hepatitis, and other serious and chronic health conditions. **We strongly support *Health Insurance Modifications*, which would require health insurers to accept and count payments made on behalf of patients towards deductibles and out-of-pocket maximums. We thank you for introducing this bill and look forward to its passage by the Judiciary Interim Committee.**

Copay accumulators are harmful policies that many insurance plans, employers, and pharmacy benefits managers (PBMs) are implementing in which copay assistance does not count towards a beneficiary’s out-of-pocket costs and deductible. By passing this bill, Utah will join 21 other states (Arkansas, Arizona, Colorado, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maine, New Mexico, New York, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Vermont, Virginia, Washington, and West Virginia) and the District of Columbia and Puerto Rico in protecting consumers purchasing insurance on the private market by assuring their copay assistance will count towards cost-sharing obligations.

People with HIV, hepatitis, and other 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 is still insurmountable for many due to high deductibles and cost-sharing, often in terms of co-insurance. 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.

HIV+HEPATITIS POLICY INSTITUTE

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More and more insurers and PBMs have instituted harmful policies that do not apply copay assistance towards beneficiaries' out-of-pocket costs and deductibles. When implementing them the insurer 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.

Currently, 7 out of 8 health plans available on the Utah individual marketplace have language in their individual health plan documents stating that copay assistance may not be counted. While the state insurance department has instructed insurers to comply next year with the court decision *HIV+Hepatitis Policy Institute et al v HHS*, which requires insurers to apply copay assistance for brand name drugs that do not have a generic equivalent, it is necessary for the state to codify this directive into law.

For the benefit of patients who rely on prescription drugs to maintain their health, we urge you to pass *Health Insurance Modifications*. 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.

Thank you very much.

Sincerely,



Carl E. Schmid II
Executive Director

cc: Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. John D. Johnson
Sen. Michael S. Kennedy
Rep. Nelson T. Abbott
Rep. Cheryl K. Acton
Rep. Kera Birkeland
Rep. Tyler Clancy
Rep. James Cobb
Rep. Stephanie Gricius
Rep. Brian S. King
Rep. Karianne Lisonbee
Rep. A. Cory Maloy
Rep. Judy Weeks Rohner
Rep. Mark A. Wheatley