Prescription Drug Formularies, Consumer Protections, and State Enforcement:

Focus on HIV Treatment & Prevention

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HIV Treatment Formulary Issues

- **Community Health Choice of Texas**
  - Regulated by CCIIO
  - Does not cover HIV treatment guideline Rx's
    - 1 plan doesn't cover any of the 6 recommended HIV STRs
    - Requires people to take multiple drugs
      - CCIIO said this is discrimination in the past
    - Removed most widely prescribed HIV drug
  - Puts a majority (68%) of HIV Rx's on highest tier
  - Filed initial complaint Sept. 2023
    - Another org. filed complaint in 2016

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Community Health Choice of Texas

- **CMS response completely unacceptable**
  - "Appear to offer sufficient coverage"
  - Adverse tiering review just began in 2024
    - But rule has been in place since 2016
  - Acknowledges 1 plan puts all STR's on highest tier
  - Another plan places at least one STR on a lower tier
    - But standard is discrimination is all or a majority of Rx's to treat a condition on highest tier

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Community Health Choice of Texas

- **Mtgs. w/CCIIO & additional letters & media**
  - Tiering Improved:
    - 2024: 48% of ARVs highest tier
    - 2026: 26% or 10% depending on plan
  - Still lack sufficient coverage
    - 1 plan covers 0/6 recommended STRs
    - the other 2/6

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Harvard Pilgrim

- Plans in NH, RI, & ME changed formulary for 2025
  - Removed HIV recommended Rx's, including most widely prescribed drug
  - Only covering 4/8 Rx's on national treatment guidelines
  - Plan in MA continued to cover 8/8
- Filed Complaint in November 2024-media coverage
  - Rhode Island did not see an issue "no authority to review clinical appropriateness"
  - ME Superintendent acted quickly
    - Worked w/issuer, drugs added back to formulary
    - Plan made same changes in the other states

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Medica MN & IA

- Filed complaints in Nov. 2024 for:
  - Failure to cover sufficient HIV Rx's
    - Only covered 3/12 STRs; 3/8 recommended Rx's
  - 84% of HIV Rx's on highest tier
- Plans are in 6 additional states
- Meeting w/MN to present our side, no other response to date

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Medica MN & IA

- IA engaged w/issuer; resulted in improvements for 2026
  - Now covers 10/12 STRs and 5/8 recommended Rx
  - 71% of HIV Rx's on highest tier
- Still insufficient
  - Medica remains an outlier; other plans in MN & IA cover all Rx's & % of Rx's on highest tier range from 2.3% to 12%
- Continued engagement w/IA
  - Conclude CCIIO tools inadequate-requires minimal drug coverage.

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Preventive Medications

- **Formularies Often Lack Transparency**
  - No consistency in tiering or in naming
  - Best practice to include separate pages detailing all ACA preventive services
    - Especially important for PrEP
      - Now have orals & injectables (which can be a medical benefit)
- Awareness of medical benefit Rx's also important for other classes (e.g. oncology)

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Preventive Medications

- **Lack of Coverage**
  - Plans not covering all PrEP drugs in accordance with CMS FAQ (Oct. 2024)
    - All 3 Drugs w/o cost-sharing or prior authorization
  - New longer-acting Rx approved & more expected
    - USPSTF is for PrEP
  - State laws & regulations

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Highmark Blue Cross Blue Shield West Virginia

Brand Name generic name	Therapeutic Class *Sub-Class*	Dose/Strength	Status	Notes & Restrictions
emtricitabine-tenofovir (tdf) oral tablet 200-300 mg ©	Anti-Infective Agents *Antiretroviral - Nucleoside And Nucleotide Analog Rtis Combinations*	Tablet 200-300 mg	TIER 3	$0 more info
Descovy Oral Tablet 200-25 Mg	Anti-Infective Agents *Antiretroviral - Nucleoside And Nucleotide Analog Rtis Combinations*	Tablet 200-25 mg	TIER 3	QL Quantity Limit
Yeztugo Oral Tablet 300 Mg	Anti-Infective Agents *Antiretroviral - Pre-Exposure Prophylaxis (Prep)*	Tablet 300 mg	TIER 3	QL Quantity Limit

- Apretude (2-month injection) policy for providers Medical benefit, zero cost sharing, PA??
- Yeztugo (6-month injection) ??

https://client.formularynavigator.com/Search.aspx?siteCode=6571849149

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Covered Drugs Must be EHB

Highmark Blue Cross Blue Shield West Virginia

Biktarvy Oral Tablet 50-200-25 Mg	Anti-Infective Agents *Antiretroviral-Integrase Inhibitor,Nucleoside And Nucleotide Rtis Comb*	Tablet 50-200-25 mg	TIER 3	QL Quantity Limit	more info
	Copay Armor	Copay Armor, powered by PillarRx, helps members afford high cost medications (mostly specialty) by leveraging manufacturer coupon dollars.			

§ 156.122(f) If a health plan covers prescription drugs in excess of the prescription drugs required to be covered under paragraph (a)(1) of this section, the additional prescription drugs are considered an essential health benefit and subject to requirements including the annual limitation on cost sharing and the restriction on annual and lifetime dollar limits, …

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What Can Regulators Do

- CCIIO Needs to update tools
- Fully Review Plans for Drug Coverage
  - Based on clinical guidelines
- Fully Review Plans for Tier Placement
- Ensure all drugs are part of EHB
- Review plans for Utilization Mgmt. Measures
- Ensure no cost for Preventive Services
- Ensure plan documents are clear and transparent
- Respond to consumer complaints

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Thank you!

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