HIV+HEP

POLICY INSTITUTE

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Contact: Jen Burke
jburke@hivhep.org
(301) 801-9847

Trump Administration Requires PBMs to Disclose Income from Copay Assistance Schemes

Transparency Rule Will Shed Light on Copay Accumulators, Maximizers, & Alternative Funding Programs

Washington, DC… As part of the sweeping drug transparency rule finalized by the Trump administration today, pharmacy benefit managers (PBMs) will have to disclose to large self-insured employers the compensation they earn from programs that divert drug manufacturer copay assistance away from patients. In the last several years, PBMs, along with their partners in the insurance industry, have been keeping the copay assistance rather than applying it to the patients' cost-sharing obligations and then requiring patients to pay the out-of-pocket costs again. It has been estimated that the amount of money diverted through these copay accumulator and maximizer programs totaled $7 billion in 2024.

"While we would like to have the Trump administration enforce the law that would outlaw these schemes and require copay assistance to count as patient cost-sharing, exposing the profiteering by PBMs to employers will help shine a light on these shameful practices and hopefully, propel employers to refuse these greedy money making schemes," commented **Carl Schmid, executive director** of the **HIV+Hepatitis Policy Institute**.

The final rule also requires PBMs to disclose how much money they derive from alternative funding programs. These programs usually are carried out by designating certain drugs as non-essential health benefits and then PBMs and other third-party vendors utilize free drugs from the manufacturers that are meant for the uninsured or seek illegally imported drugs. **HIV+Hep** has asked the Department of Labor to end the practice of allowing plans to designate covered drugs as "non-essential health benefits."

Earlier this year, **HIV+Hep** submitted comments in support of the Department of Labor's groundbreaking proposed rule to increase transparency into the compensation received by PBMs, including rebates and copay assistance diversion programs. Included in those

comments was the request to ensure that the public is allowed to review this data, rather than just employers. Unfortunately, that suggestion was not included in the final rule.

"While the PBM industry has embarked on a public relations campaign claiming they are responsible for lowering drug costs, many of their practices are actually responsible for increasing drug prices in the United States. We are thankful to the Trump administration for finally shining a light on them," concluded Schmid.

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The **HIV+Hepatitis Policy Institute** is a national, non-profit organization whose mission is to promote quality and affordable healthcare for people living with or at risk of HIV, hepatitis, and other serious and chronic health conditions.