

Letter to Support Ohio H.B. 135

November 15, 2022

Senate President Matt Huffman
Statehouse
1 Capitol Square
2nd Floor
Columbus, Ohio 43215

RE: HB 135 - Letter of Support

Dear President Huffman, Chairman Huffman, Ranking Member Antonio, and members of the Ohio Senate Health Committee -

The undersigned organizations write to you in support of HB 135, which would require insurers and pharmacy benefit managers to count all payments made on behalf of a beneficiary to their deductible and out-of-pocket maximums for prescription medications.

We serve patients who live with chronic, rare, and life-threatening conditions which require high-cost specialty medications. Payers are increasingly shifting their fiduciary responsibility onto Ohio patients by a variety of means including poor plan design and mid-year formulary changes, significantly increasing deductibles, copayments, coinsurance, and creating specialty-tier formularies and specialty pharmacies.

Third-party copay assistance funds are intended to help patients afford and adhere to their medication. When payers utilize “copay accumulator adjustment programs” Ohio patients experience the following:

- Copay accumulators discriminate by forcing high-risk patients off medications. 99.6% of all medications which receive third-party copay assistance have no generic options.¹ Copay accumulator programs lead to higher costs for patients, forcing them to choose between treatments and other expenses such as rent, nutrition, and other family expenses. Unfortunately, patients who stop using their medications due to high costs end up having more emergency room visits and negative health outcomes, which increases overall health care costs.
- Health insurers profit from copay accumulators at the expense of the patient. Copay accumulator policies allow payers to collect the full amount of copay assistance available to the patient and collect the full amount of the deductible directly from the patient to the financial detriment of the patient.²
- Insurers are inconsistent in the information they make available to consumers making copay accumulators a new form of surprise billings. These costs often come as a surprise because many patients who have been provided with copay charitable assistance are unaware of these insurance policies. The shock comes when a patient visits their pharmacy expecting their medication costs to be covered only to find they have the full cost of their deductible left to pay—or simply stop treatment.
- Copay accumulators hurt working class families the most. They are currently used in 9 out of 10 ACA marketplace plans in Ohio³. Copay accumulator programs eliminate financial support for working families who do not qualify for other forms of public assistance to cover medical costs. Research shows that more than 70 percent of patients eligible for copay assistance earn less than \$40,000 a year.

We respectfully request that you make Ohio the next state to protect patients from unmanageable out-of-pocket costs through HB 135.

Sincerely,

¹ <https://www.iqvia.com/locations/united-states/library/fact-sheets/evaluation-of-co-pay-card-utilization>

² https://aidsinstitute.net/documents/2021_TAI_Double-Dipping_Final-031621.pdf

³ https://aidsinstitute.net/documents/final_TAI_2022-Report-Update_020122.pdf

We Support Ohio H.B. 135

Association for Clinical Oncology
Coalition of State Rheumatology Organizations
Ohio Academy of Family Physicians
Ohio Association of Rheumatology
Ohio Chapter – American College of Cardiology
Ohio Dermatological Association
Ohio Foot and Ankle Medical Association
Ohio Hematology Oncology Society
Ohio Osteopathic Association
Ohio Psychiatric Physicians Association
Ohio State Medical Association
The Academy of Medicine of Cleveland and Northern Ohio

