May 15, 2023

Governor Tony Evers
115 East, State Capitol
Madison WI 53702

RE: Oppose Implementation of Navitus' Copay-Max Plus Program to Protect Wisconsin Patients

Governor Tony Evers.

On behalf of the EveryLife Foundation for Rare Diseases, we write to express our sincere concerns with the Navitus' Copay-Max Plus Program that the Group Insurance Board (GIB) is considering as part of proposed 2024 benefit changes for state employees and retirees. This program would threaten prescription drug affordability and access for vulnerable patients across our great state and build upon the harmful practices that Wisconsin health plans and pharmacy benefit managers (PBMs) use to degrade copay assistance.

We appreciate your leadership on prescription drug affordability and your recognition of the predatory nature of these accumulator programs by including legislation in all three of your budgets to ban copay accumulator programs - which is why we are concerned and confused that one of your cabinet agencies is seeking to implement such a program to the detriment of state employees and retirees.

The EveryLife Foundation for Rare Diseases urges your administration to publicly oppose implementation of Navitus' Copay-Max Plus Program in the 2024 state employee and retiree health plans in order to protect Wisconsin patients.

Patients rely on copay assistance to access their medically-necessary medications, especially where no generic alternatives exist for their condition. Yet in Wisconsin, nothing stops insurance plans and pharmacy benefit managers (PBMs) from implementing "copay maximizer policies," such as the Copay-Max Plus Program. Copay maximizers take advantage of drug manufacturer coupons and copay assistance programs applied to many high-cost drugs at the expense of patients. Under the proposed program, the health plan determines the patient's copay based on the maximum amount of manufacturer copay assistance available to them, rather than on the list or net price of the medication. Enrollees may then be required to enroll in copay assistance in order to gain access to needed medication. By implementing this policy, the health plan receives the entire possible amount of copay assistance, but this copay assistance does not count towards the individual's deductible or annual out-of-pocket limit, meaning the patient does not receive the intended benefit of the assistance.

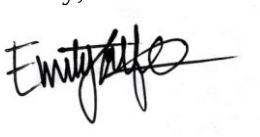
There are no rules governing how copay maximizers are structured, and health plans can change them at will. The use of maximizer programs has also led to some health plans adopting a more aggressive definition of essential health benefits (EHBs), in order to maximize the patient's copay assistance. When insurers create barriers to treatment access, patients often skip doses or abandon treatment entirely, worsening individual health outcomes and increasing overall health care system costs.

In addition to the "All Copays Count" language you introduced in the budget (AB 43 and SB 70), this March, a bipartisan coalition of Wisconsin lawmakers introduced the "All Copays Count" legislation (AB 103 and SB 100) to improve patient access and affordability to prescription medications. **The Copay-Max Plus Program directly contrasts <u>your proposal</u> and the bipartisan legislation that has the support of nearly 50 sponsors in the legislature and nearly 50 patient and provider advocacy groups that make up the *Wisconsin All Copays Count* Coalition**.

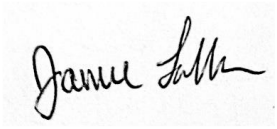
The EveryLife Foundation for Rare Diseases encourages your administration to publicly oppose implementation of Navitus' Copay-Max Plus Program in the 2024 state employee and retiree health plans and stand with patients and their physicians in helping those with chronic and complex conditions access the treatments they need to live a healthy and productive life.

Thank you for your leadership.

Sincerely,



Emily Stauffer
State Policy Manager
EveryLife Foundation for Rare Diseases



Jamie Sullivan
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CC:

Annie Kennedy, Chief of Policy, Advocacy and Patient Engagement, EveryLife Foundation
Julia Jenkins, Executive Director, EveryLife Foundation
Frank Sasinowski, Chair of the Board, EveryLife Foundation

The EveryLife Foundation for Rare Diseases empowers the rare disease patient community to advocate for impactful, science-driven legislation and policy that advances the equitable development of and access to lifesaving diagnoses, treatments, and cures. Learn more here: https://everylifefoundation.org/

More information about copay maximizers and the *Wisconsin All Copays Count* Coalition can be found at: https://www.wi4patients.com.