

June 07, 2023

The Honorable K. Joseph Shekarchi
Speaker of the House
Rhode Island House of Representatives
82 Smith Street
Providence, RI 02903

Re: Support for H6159 to Ensure All Copays Count for Rhode Islanders

Dear Speaker Shekarchi:

On behalf of over 30 patient and provider groups, we are writing to respectfully request your support of H6159. Despite the strides our state has made in expanding coverage during your time as Speaker, many Rhode Islanders, including the insured, still face financial hardships when trying to pay for their medications.

Since 2018, an increasing number of health plans and pharmacy benefit managers have begun implementing policies like “copay accumulator adjustment programs” to prevent third-party financial assistance from counting toward a patient’s out of pocket obligation, essentially negating any benefit to the patient.

These programs can be problematic for individuals whose plans involve high cost-sharing or co-insurance—where a patient pays a percentage of the cost rather than a flat amount. Moreover, people with complex conditions such as cancer, diabetes, and rheumatoid arthritis requiring expensive prescription drugs may not have a generic alternative.

Copay accumulator adjustment programs are often implemented without a patient’s advance knowledge or full understanding of the change to their insurance plan. These programs could further jeopardize health outcomes, as patients may decide to forego, discontinue, or alter their treatment for non-medical reasons based on the negative financial impact from such programs.¹

H6159 would remove existing barriers to copay assistance by requiring all payments made by patients – directly or on their behalf – be counted towards an individual’s overall out-of-pocket maximum payment or deductible. Requiring health insurance carriers to do so will protect patients from surprise bills and treatment delays as well as allowing individuals to utilize the full benefit of co-pay assistance programs.

To date, 19 states as well as Puerto Rico have already stopped this discriminatory practice by passing legislation that bans accumulator policies – Arkansas, Arizona, Colorado, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maine, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, Washington, and West Virginia.

¹ The AIDS Institute, “TAI Report: Copay Accumulator Adjustment Programs.” February 2023. <https://theaidsinstitute.org/copays/tai-report-copay-accumulator-adjustment-programs>.

According to the AIDS Institute, there is no evidence that enacting a law to prohibit copay accumulator adjustments has a negative impact on the average premium in the states.^{2,3}

Rhode Island must continue to put patients first and join this diverse group of states in enacting this critical patient protection. We respectfully ask that you support H6159 to help individuals and families afford the medication they need.

For more information or questions, please contact Ryan Strik, Rhode Island Government Relations Director, American Cancer Society Cancer Action Network, Inc. at 401-259-1052 or Ryan.Strik@cancer.org.

Sincerely,

**American Cancer Society Cancer Action
Network (ACS CAN)
American Diabetes Association
American Kidney Fund
Arthritis Foundation
Association for Clinical Oncology
Autoimmune Association
Alliance for Patient Access
Brain Injury Association of Rhode Island
Crohn's & Colitis Foundation
Epilepsy Foundation of New England
Every Life Foundation for Rare Diseases
Gaucher Community Alliance
Hemophilia Federation of America
HIV & Hepatitis Policy Institute
Infusion Access Foundation
International Foundation for AiArthritis
Lupus & Allied Diseases Association**

**Mental Health Association of RI
National Alliance on Mental Illness –RI
National Eczema Association
National Hemophilia Foundation
National Infusion Center Association
National Multiple Sclerosis Society
National Oncology State Network
National Psoriasis Foundation
New England Bleeding Disorders Advocacy
Coalition
New England Hemophilia Association
Patients Rising Now
Protect Our Healthcare Coalition – RI
Rare New England
Spondylitis Association of America
Susan G. Komen for the Cure
The ALS Association**

² The AIDS Institute, "Comparison of Marketplace Average Benchmark Premiums Between States With and Without Copay Accumulator Adjustment Bans." May 2023. <https://www.theaidsinstitute.org/copays/copay-assistance-does-not-increase-premiums>.

³ Global Healthy Living Foundation, "Impact of Legislation Protecting Patient Assistance Programs on Health Insurance Premiums." 2023. <https://ghlf.org/copay-assistance-protection/>.