



Patient Access Threatened by Federal “Copay Accumulator” Rules

Millions of patients across the country rely on copay assistance programs to help them afford out-of-pocket costs for the medications they need to treat their chronic health conditions and maintain their health. Unfortunately, this patient assistance could soon be reduced or eliminated by new federal rules that could prevent copay assistance from counting towards patients’ deductibles or out-of-pocket maximums at the pharmacy by allowing plans to use copay accumulators. Ultimately, this could drive up patient out-of-pocket costs by thousands of dollars per year and potentially put medications out of reach for millions of patients.

Federal Rules Threatening Medication Access

- The Centers for Medicare and Medicaid Services’ (CMS) 2021 Notice of Benefit and Payment Parameters (NBPP), which was finalized July 13, 2020, includes a provision allowing commercial market plans and issuers to implement copay accumulators, which exclude certain copay assistance programs from counting toward patient deductibles and out-of-pocket maximums. The rule applies to non-grandfathered individual and group health plans, including the Affordable Care Act exchange plans and self-insured plans.
- The CMS’ proposed rule for Medicaid (Medi-Cal in California), which has not yet been finalized, includes a proposal that could discourage manufacturers from offering copay assistance to patients. Under the provision, manufacturers would be required to “ensure” that the full value of the assistance is passed to patients. However, the copay accumulators included in the insurance plans prevent the assistance from counting towards patients’ deductibles or out-of-pocket maximums. Unfortunately, this would be out of the manufacturers’ control. This could eliminate or increase barriers to some financial assistance for patients, ultimately increasing patient costs and preventing access.

What Are Copay Assistance Programs?

Copay assistance programs provide financial aid that help patients pay for medications. They are usually provided by drug manufacturers. Drug manufacturers often provide copay assistance in the form of coupons or cards that patients can use to help pay the out-of-pocket cost of their medications.

What Are Copay Accumulators?

Copay accumulator programs refer to insurance or pharmacy benefit manager (PBM) policies that exclude copay assistance from counting toward a patient’s out-of-pocket maximum, or their deductible. With these programs, patients who rely on copay assistance to afford their medications will take longer to meet their annual deductibles or out-of-pocket spending cap, leading to higher or unexpected patient costs for often life-saving medications.

Protect Patients by Opposing Copay Accumulators

To help ensure patients with chronic illness can continue to afford their medications, CCPA, along with patient advocates across the country, will continue to work to prevent the increased prevalence of copay accumulators and stop these harmful policies from being implemented by:

- Calling on CMS and Congress to reverse the copay accumulator provision of the 2021 NBPP.
- Urging CMS to not finalize the harmful Medicaid rule provision putting copay assistance at risk.

To learn more or get involved, please visit our website at www.chroniccarealliance.org.

