

June 3, 2020

**Via Electronic Communication**

The Honorable Rodney Davis  
1740 Longworth House Office Building  
Washington, DC 20515

Dear Representative Davis:

Aimed Alliance is a nonprofit health policy organization that works to protect and enhance the rights of health care consumers and providers. Patients Rising Now is a national nonprofit organization dedicated to advocating for the rights of patients with chronic and life-threatening illnesses.

We wanted to thank your office for meeting with us in February to discuss the issue of copay accumulator programs. As you may recall, on March 9, 2020, you and your cc'ed colleagues signed a letter to the U.S. Department of Health and Human Services (HHS), expressing concern over the 2021 Notice of Benefit and Payment Parameters (NBPP) proposed rule, which provides health plans with broad authority to implement copay accumulator programs. On behalf of patients throughout the country, we wanted to sincerely thank you for sending that letter and provide you with an update on the status of the rule.

As you may remember, copay accumulator programs are policies that prevent the value of a drug manufacturer's coupon from counting toward a patient's deductible and maximum out-of-pocket limit. Last year, HHS implemented NBPP 2020, a patient-friendly policy that would have only allowed health plans to adopt copay accumulators when both a brand and generic medication were available. NBPP 2020 was crafted to incentivize patients to use lower cost medications only when such medications were available. It was developed to strike a balance between the interests of health plans and pharmaceutical manufacturers without unreasonably penalizing patients for relying on financial assistance. In contrast, NBPP 2021 would limit patients' access to medications even when there are no cheaper alternatives available, putting their health at risk and potentially increasing costs to the health system.

The 2021 NBPP final rule was [released](#) this month. Unfortunately, despite your letter, the 2021 NBPP final rule does not contain the requested cost-sharing protections for patients.

Millions of American across the country rely on cost-sharing assistance to afford their medications. Such assistance is only helpful if it can be counted toward patients' deductibles or maximum out-of-pocket limits. Without such protections, when the assistance runs out, patients are left in the original position of not being able to afford their medication. This is especially problematic during the COVID-19 pandemic when unemployment rates are dramatically increasing every week, and individuals are struggling more than ever to afford their medications. As such, we encourage you to send another letter to HHS asking the agency to revert back to the protections found in the NBPP 2020 for at least the 2021 plan year while the economy stabilizes in light of the COVID-19 pandemic.

Thank you again for your efforts that you have taken on behalf of patients, and please do not hesitate to reach out if you have any questions or concerns.

Sincerely,

Stacey L. Worthy  
Aimed Alliance

Terry Wilcox  
Patients Rising Now

Cc:

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