



February 10, 2020

Via Electronic Communication

Kevin A. Cahill
Chair, Insurance Committee
New York State Assembly
CahillK@nyassembly.gov

Re: Letter in Support of A01741

Dear Assemblymember Cahill:

Aimed Alliance is a 501(c)(3) non-profit health policy organization that seeks to protect and enhance the rights of health care consumers and providers. We are writing in support of A01741, and we ask that you approve the bill for a full vote before the legislature.

Historically, privately insured individuals who cannot afford their copayments or coinsurance have been able to obtain aid from copayment assistance programs –programs in which a pharmaceutical manufacturer may offer cost-sharing assistance, typically in the form of a coupon card, to an individual to ease the burden of high out-of-pocket costs. Traditionally, the coupon card contributes also toward the patient’s deductible and maximum out-of-pocket limit. These programs have been especially helpful for individuals enrolled in high deductible health plans (HDHPs) in which the patient is responsible for high out-of-pocket costs until the deductible is reached. Increasingly, HDHPs are the only option for many Americans; many employers and marketplace exchanges only offer HDHPs.¹

Health plans are increasingly implementing copay accumulator programs, which prevent the value of a drug manufacturer’s coupon from counting toward a patient’s deductible and maximum out-of-pocket limit.² Under such programs, once copayment assistance runs out, the plan enrollee is again faced with an inability to afford his or her medication. In some instances, there are no generic alternatives, and patients may be forced to ration their medications or abandon treatment altogether.³ As a result, they can experience disease progression, relapse, and other adverse events, thereby increasing health care utilization.⁴

A01741 seeks to rectify this issue by requiring payers to include any payments made by the insured or a person on behalf of the insured when calculating the cost-sharing requirement and maximum out-of-pocket limit. Effectually, this bill would prohibit health insurers from adopting copay accumulator programs, ensuring that New York patients would not be unreasonably penalized for relying on financial assistance from third parties.

¹ <https://www.goodrx.com/blog/the-pros-and-cons-of-high-deductible-health-plans>

² <https://www.npr.org/sections/health-shots/2018/05/30/615156632/why-some-patients-getting-drugmakers-help-are-paying-more>

³ <https://www.healthaffairs.org/doi/10.1377/hblog20180824.55133/full/>

⁴ <https://www.healthaffairs.org/doi/10.1377/hblog20180824.55133/full/>

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 and maximum out-of-pocket limits. Copay accumulator programs are 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. In December 2020, New York's unemployment rate was at 8.1 percent, over twice as high as the previous year.⁵ In New York City, the unemployment rate was 11 percent, which is over three times as high as the previous year.⁶ Many of these individuals may now rely on marketplace exchange plans with high out-of-pocket costs. They need additional protections, such as the ones laid out in A01741. As such, we ask that you support A01741 and urge your fellow legislators to pass the bill. Thank you for considering our position on A01741.

Sincerely,

Stacey L. Worthy
Counsel

CC:

Khaleel M. Anderson
Ken Blankenbush
Kevin M. Byrne
Vivian E. Cook
Steven Cymbrowitz
Erik M. Dilan
David DiPietro
Phara Forrest
Jarett Gandolfo
Stephen Hawley
Pamela J. Hunter
Jonathan G. Jacobson
Charles D. Lavine
John T. McDonald III
Demond Meeks
Yuh-Line Niou
Philip A. Palmesano
J. Gary Pretlow
José Rivera
Daniel Rosenthal
Colin Schmitt
Phil Steck
Steve Stern
Jaime R. Williams

⁵ <https://www.labor.ny.gov/stats/pressreleases/prtbur.pdf>.

⁶ <https://www.labor.ny.gov/stats/pressreleases/prtbur.pdf>.