



May 30, 2025

Hon. Lori Chavez-DeRemer
Secretary of Labor
Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Re: Request for Information Doc. No. 2025-07397

Dear Secretary Chavez-DeRemer:

Aimed Alliance is a non-profit health policy organization that seeks to protect and enhance the rights of health care consumers and providers. We are writing to comment on the request for information No. 2025-07397 related to the information provided in the summary of benefits and coverage documents that each group health plan and health insurance issuer offering group insurance coverage must provide to plans and participants. The summary of benefits is an important tool as it allows consumers to make easier plan-to-plan comparisons during open enrollment.¹ However, while these summaries are brief, they often exclude key information about cost-sharing and the use of copay assistance.

When patients cannot afford their medications, they may rely on financial assistance from pharmaceutical manufacturers and other third parties to meet their health plan's cost-sharing responsibilities and fill their prescriptions.² This assistance is often referred to as copay assistance. The value of this financial assistance typically counts toward the health plan's deductible or maximum out-of-pocket limit, unless the health plan has implemented a copay accumulator program. Copay accumulator programs exclude the value of financial assistance from third parties from counting toward the health plan's deductible or maximum out-of-pocket limit.

When a copay accumulator is implemented during open enrollment, the summary of benefit disclosure often omits language relating to copay assistance or copay accumulators. Moreover, even when a summary of benefits disclosure includes language about a copay accumulator, this language is convoluted and confusing, making it difficult for consumers to understand the consequences of the copay accumulator on their cost-sharing obligations.³

Similarly, many large group health plans have begun to partner with third-party programs, known as alternative funding programs (AFPs), to manage their specialty drug benefits. Under an

¹ HealthCare.Gov, <https://www.healthcare.gov/health-care-law-protections/summary-of-benefits-and-coverage/>.

² Aimed Alliance, *Copay Accumulator 101*, <https://aimedalliance.org/copay-accumulator-101/>.

³ All Copays Count Coalition, *How to Spot Copay Accumulator Programs: Sample Language Found in Health Plan Policies*, <https://allcopayscount.org/resources/how-to-spot-copay-accumulator-programs-sample-language-found-in-health-plan-policies/>.

AFP, beneficiaries are required to work with the third-party company to access their medication from a patient assistance program.⁴ If the beneficiary refuses to work with the AFP, they are responsible for the total cost of the drug, and any cost-sharing will not count towards their annual out-of-pocket limits.⁵ Similar to the lack of disclosures of copay accumulators, plans working with AFPs also often fail to disclose in their summary of benefits that the beneficiary will be required to work with an AFP.

The use of either a copay accumulator or an AFP has substantial implications for consumers' annual cost-sharing requirements. As such, health plans should be required to disclose in the summary of benefits, in plain language, if the health plan is using a copay accumulator, a copay maximizer, or an alternative funding program. Aimed Alliance sincerely appreciates the opportunity to comment on this important issue. We would greatly appreciate an opportunity to meet with your office and further discuss our concerns. Please contact us at avantrees@aimedalliance.org to schedule a meeting or if you have any additional questions.

Sincerely,

Ashira Vantrees
Director of Legal Strategy & Advocacy

⁴ Patient assistance programs, also referred to as PAPs, are free-drug programs run by charities and pharmaceutical companies to provide access to medications for individuals who are uninsured or underinsured. These programs are not intended for individuals with commercial insurance.

⁵ Aimed Alliance, *Alternative Funding Programs*, <https://aimedalliance.org/alternative-funding-programs/>.