

April 30, 2026

Senator Bryan Hughes
The Texas Senate
1400 Congress Avenue
Room 3E.8
Austin, Texas 78701

Dear Senator Hughes:

The undersigned organizations represent patients, providers, and caregiver groups across ten disease states that have been advocating for regulators and legislators to use existing state and federal laws to hold alternative funding programs and copay maximizers accountable for the harm these programs cause to patients living with complex and chronic conditions.

As you know, in 2023, the Texas Legislature recognized that copay accumulators harm patients and increase out-of-pocket costs for health care consumers. For these reasons, the Texas Legislature banned the use of copay accumulators in state-regulated plans.ⁱ However, health plans have adopted copay maximizers and alternative funding programs in an attempt to avoid these requirements and circumvent the important protections adopted by the Texas Legislature.

These programs misrepresent consumers' cost-sharing requirements, increase annual out-of-pocket costs, and deprive consumers of the benefit of their premiums and state and federal protections. Research has also found that consumers enrolled in an AFP have waited over two months to access their medications.ⁱⁱ In other documented instances, patients ensnared in AFPs have, after long delays, accessed their medication – only to, months later, receive bills for tens of thousands of dollars and letters saying the medication was not covered by their health plan. One patient summed up her experience: “In one week, I went from being out of debt to over a quarter of a million in debt.”ⁱⁱⁱ

With these harms in mind, the undersigned organizations applaud your recent letter to Attorney General Paxton requesting a formal opinion that recognizes these programs are inconsistent with state and federal laws and regulations. This is an important step to ensuring consumers are benefiting from the protections the Texas Legislature fought hard to adopt. Thank you for your leadership and commitment to supporting patients living with complex and chronic conditions.

Sincerely,

Aimed Alliance
Alliance for Patient Access
AiArthritis
American Kidney Fund
Autoimmune Association
CancerCare

Cancer Support Community
Crohn's & Colitis Foundation
Hemophilia Alliance
Hemophilia Federation of America
Lupus and Allied Diseases Association, Inc.
HIV+Hepatitis Policy Institute
National Bleeding Disorders Foundation
National Psoriasis Foundation
Spondylitis Association of America
The AIDS Institute
The US Hereditary Angioedema Association

ⁱ The AIDS Institute, *Texas*, https://theaidsinstitute.org/media/documents/02-24-2026-16-36-08-2026%20State%20Grade%20Sheet_Texas.pdf

ⁱⁱ *A descriptive survey of patient experiences and access to specialty medicines with alternative funding programs*, <https://pubmed.ncbi.nlm.nih.gov/39471273/>.

ⁱⁱⁱ John Tozzi, "Patient Hit With \$250,000 Bill Over Plan to Access Cheap Drugs." Bloomberg Law News (April 22, 2025), <https://www.bloomberg.com/news/features/2025-04-22/high-prescription-drug-costs-push-employers-to-alternative-funders>.