

November 9, 2021

The Honorable Donald McEachin
314 Cannon House Office Building
Washington, DC 20515-4604

The Honorable Rodney Davis
2079 Rayburn House Office Building
Washington, DC 20515-1313

Dear Representatives McEachin and Davis:

On behalf of the undersigned patient and patient assistance organizations, we write to you in support of the Help Ensure Lower Patient (HELP) Copays Act (H.R. 5801). We laud your leadership in ensuring financial assistance count towards health plans cost-sharing requirements and addressing the essential health benefits loophole, critical protections for patients.

In recent years, many health insurers have shifted more financial responsibility onto patients with chronic illnesses by increasing deductibles, raising copayments, expanding drug formulary tiers, and increasing the patient's share of the cost of medications. As a result, copay assistance has become a necessity for many patients to be able to afford their life-saving medicines. For many disease states there are no lower-cost treatments or generic equivalent treatments available.

As you know, copay accumulators have been permitted through the 2021 Notice of Benefit & Payment Parameters, creating barriers to patients in accessing and affording their prescription medications. Copay assistance helps patients cover the cost of copays and coinsurance, as imposed by the health issuer's benefit design. When that assistance is not counted toward a patient's deductible and out-of-pocket costs, the patient alone is left responsible for paying what is often an exorbitant amount in out-of-pocket costs that can inhibit access to a needed prescription medication. This means that the insurer is often accepting payments above and beyond the maximum cost sharing requirement required by the Affordable Care Act, as the dollars from third-party payments are not counted towards the calculation of the patient's deductible or annual OOP maximum.

The HELP Copays Act addresses this policy that harms patients by updating the ACA's definition of cost-sharing to clarify that amounts paid for cost-sharing by or on behalf of an enrollee must be counted toward the enrollee's deductible and out-of-pocket limit. Adoption of this legislation will ensure vulnerable patients who struggle to afford their essential specialty medications will be able to meet the high copays and co-insurance, get their prescriptions at the pharmacy counter, and maintain their health.

We appreciate your leadership on this important issue of prescription drug access and stand ready to assist you and your colleagues in securing passage of this bill.

Sincerely,

American Liver Foundation
Amyloidosis Foundation
Aplastic Anemia & MDS International Foundation
Bladder Cancer Advocacy Network
Bone Health & Osteoporosis Foundation
Colorectal Cancer Alliance
Cushing's Support & Research Foundation
Depression and Bipolar Support Alliance
Melanoma Research Foundation
MPN Advocacy & Education International

Multiple Sclerosis Association of America
National Hemophilia Foundation
National Kidney Foundation
Patient Access Network (PAN) Foundation
Prevent Blindness
Schizophrenia & Psychosis Action Alliance
Sickle Cell Disease Association of America
SHARE Cancer Support
The Mended Hearts, Inc.