



THE AIDS INSTITUTE

National Policy Office - Washington, DC: 202-835-8373
Program and Administrative Office - Tampa, FL: 813-258-5929

For Immediate Release: 06.12.15

Media Contact: Carl Schmid: (202) 669-8267 cschmid@theaidsinstitute.org

FLORIDA REQUIRING INSURANCE PLANS TO LIMIT PATIENT COST-SHARING FOR HIV DRUGS IN 2016 *Excessive Co-Insurance Would be Deemed Discriminatory*

Washington, DC – The AIDS Institute welcomes a significant announcement by the Florida Office of Insurance Regulation that limits patient cost-sharing of HIV medications to reasonable co-pays and warns insurers that Florida will be reviewing 2016 qualified health plans (QHPs) for possible discriminatory practices in how they cover all prescription medications. In a [memo](#) sent to insurers as they prepared to file their 2016 Marketplace plans, Florida's insurance regulator said it would deem plans as discriminatory if the tiered formulary of HIV/AIDS medications was not at least as favorable as the state's benchmark plan. Florida's [benchmark plan](#) limits patient co-pays to \$40, \$70, or \$150 per 30-day supply, depending on the medication. One injectable medication has a co-pay of \$200. Plans in 2016 would have to limit patient cost-sharing for HIV/AIDS medications to levels that are similar to those in the benchmark.

"This is a major victory for people living with HIV who rely on medications to remain healthy," commented Carl Schmid, Deputy Executive Director for The AIDS Institute. "We thank the Florida Office of Insurance Regulation for recognizing that insurers charging excessive co-insurance is discrimination and harms people with HIV who cannot afford the cost of their medications."

The AIDS Institute, based in Tampa, Florida, first highlighted the issue of some QHPs under the Affordable Care Act (ACA) placing all HIV medications on the highest tier, including generics, and charging consumers 30, 40 or even 50 percent co-insurance. This would amount to more than \$1,000 for some medications. In May 2014, The AIDS Institute and the National Health Law Program (NHeLP) filed a [complaint](#) with the U.S. Department of Health and Human Services (HHS), Office for Civil Rights, charging four Florida health plans with unlawful discrimination since their plan designs discourage people with HIV/AIDS from enrolling in their plans.

While the federal complaint is still pending, the Florida Office of Insurance Regulation has worked with several of the insurers to limit patient co-pays for some HIV medications. [Humana](#) agreed to limit co-insurance for HIV medications to no more than 10 percent of the cost in its Florida plans, while [Aetna](#) agreed to limit co-payments to between \$5 and \$100 for all but one HIV drug nationwide.

HHS earlier this year [cautioned insurers](#) that placing all or most drugs in a class or to treat a certain condition on a high cost tier may be discriminatory. A [review](#) of the Florida 2015 QHPs by The AIDS Institute reveals that some of insurers, including CIGNA, Health First, and Preferred Medical, are still placing most HIV drugs on the highest tier and charging high co-insurance. These plans and others are also engaging in adverse tiering practices for hepatitis and other chronic health conditions.

In the [guidance](#) to issuers for 2016, Florida stated it “may recommend the removal and decertification of any plan on the Federal Health Insurance Marketplace that employs a drug formulary discriminatory in benefit design, benefit implementation or medical management techniques.”

For each plan filed for 2016, Florida will require an officer of each company to sign an [attestation](#) stating it does not 1) discourage enrollment of individuals with chronic conditions; 2) place most or all drugs that treat a specific condition on the highest cost tiers; 3) delivers drugs through mail order only; 4) discriminate on the basis of HIV or AIDS; along with several other items relative to prescription medications.

“The action that the Florida Office of Insurance Regulation has taken, under the leadership of Commissioner Kevin McCarty, will help ensure that people living with HIV/AIDS and others in Florida who depend on prescription medications have greater access to essential medicines at a more affordable cost,” said Michael Ruppel, Executive Director for The AIDS Institute. “Now we need to ensure that these requirements are enforced at both the state and federal levels as the 2016 plans are reviewed.”

###

The AIDS Institute is a national nonprofit organization that promotes action for social change through public policy, research, advocacy and education.

For more information and to become involved, visit www.TheAIDSInstitute.org or write to us at Info@theaidsinstitute.org, and follow The AIDS Institute on Twitter @AIDSAdvocacy and Facebook at www.facebook.com/The-AIDS-Institute.