ACA Implementation for People with HIV: Overcoming Challenges to Accessing Medications

U.S. Conference on AIDS
September 10, 2015

Carl Schmid
Deputy Executive Director
Progress in Florida

• Complaint Filed with Federal Office of Civil Rights/HHS
  – But, strong desire by Administration for states to address

• Florida Insurance Commissioner
  – Used two State laws:
    • Insurance plans cannot discriminate based on AIDS
    • Review plans for compliance with ACA law
  – Entered into discussions with issuers
    • Resulted in consent orders
Consent Order with Cigna

• Between Florida Insurance Commissioner & Cigna (Nov. 6, 2014)
• Cigna agreed to:
  – Move generics to non-preferred generic tier
  – Capped co-pays for 4 HIV drugs (all in one class) at $200 (instead of 40% or 50% co-insurance)
• No prior authorizations or step therapy for HIV drugs
• Cigna request meeting with The AIDS Institute & NHeLP
• Did not settle federal complaint
• Agreement only for 2015 plans in Florida
• Issuer admits no wrongdoing
Coventry Follows

• Coventry is owned by Aetna
• Signed on November 17, 2014
• Same conditions as Cigna Consent Order
  – Capped $200 co-pay for 4 brand HIV Rx
  – Previously charging 40% co-insurance
Humana Goes Further

• Letter from Humana to FLOIR (Dec. 15, 2014)
• Lowered patient cost-sharing from 50% co-insurance to 10% for HIV Rx more than $600
• For lower cost HIV Rx, went from 50% co-insurance to $50 co-pay
• Again, only for 2015 and in Florida
• Agreed to meet with AIDS community reps.
Preferred Medical

• Simple Letter to FLOIR (Jan. 14, 2015)
• Agreed to cap co-pay at $200 for 4 brand HIV Rx in 2015
• No mention of meeting with The AIDS Institute or NHELP
Meeting with Issuers

• Involved TAI, NHeLP, AHF with Aetna & Cigna (Jan. 28, 2015)

• Agenda items
  – ACA law, Florida plans, HIV treatment guidelines, impact of high cost-sharing, comments on FLOIR agreements
  – Issuer main concern: drug pricing
  – General lack of awareness of HIV world
  – Interested in working on improving transparency
Aetna (& Coventry) Reassessment

- Quietly “announced” (March 26, 2015)
- Moved all HIV Rx (except Fuzeon) from specialty tier to either generic or non-preferred brand
- Co-payments of between $5 and $100, after deductible (instead of 50% co-insurance)
- Nationwide, effective June 2015 thru 2016!
- Mail-order or pharmacy option, 90-day supply
Humana Reassessment

• Quietly “announced” in a statement to a reporter (March 27, 2015)
• Continuing 10% cap for HIV drugs through 2016 in Florida
• Nationwide, moved all specialty drugs below a $600 monthly threshold to the lowest tiers (generic or brand) eg. preferred brand co-pay is $50
• Reviewing high cost specialty Rx
Florida 2016 Plans

• Florida Insurance Commissioner Memo to Issuers (dated March 25, announced June 12, 2015)
  – Will find plans discriminatory if cost-sharing for HIV Rx is not as favorable as benchmark plan ($40, $70 or $150 and $200 for Fuzeon)
  – Will review all plans for all Rx for discrimination by formula design, benefit design, or medical management techniques and decertify plans that engage in these practices
Florida 2016 Plans

• Florida Insurance Commissioner Memo (con’t)
  – All plans must attest they do not:
    • Discourage enrollment of individuals with chronic conditions
    • Place most of or all drugs for a specific condition on highest tier
    • Deliver drugs through mail order only
    • Discriminate on the basis of HIV or AIDS
    • And others...
  – Awaiting 2016 plans (Nov. 1) to see results
Conclusions

• Filing of Discrimination Complaint has had a significant impact
  – Even though no decision by OCR
  – Florida State Insurance Commissioner has been invaluable
  – Has moved Issuers in Florida-for HIV Rx
  – And, impacted Issuers nationwide and for other Rx
  – Also, affected federal regulations
  – Awaiting 2016 plans
  – Suggest complaints in other states and for other conditions
Thank you!

Carl Schmid
Deputy Executive Director
cschmid@theaidsinstitute.org
Follow Us!

@AIDSadvocacy
Facebook.com/TheAIDSInstitute
#2015USCA

All presentations will be available online at:
www.theaidsinstitute.org/USCA2015

Get Involved: www.theaidsinstitute.org
Write Us: info@theaidsinstitute.org