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CCIIO REFINING DRUG COPAY ASSISTANCE POLICY

Decision Puts Patient Access to Medicines at Risk

Washington, DC – After stating in the 2020 *Notice of Benefit and Payment Parameters* (NBPP) rule that copay assistance from drug companies must count towards a patient's deductible and out-of-pocket maximum in most cases, the Center for Consumer Information and Insurance Oversight (CCIIO) released a [FAQ](#) stating it will not enforce the provision in 2020, nor will it require states to enforce it. CCIIO plans to revise the policy in next year's NBPP proposed rule.

"Patients are complaining about high out-of-pocket costs for prescription drugs and rely on drug company copay assistance to afford them. CCIIO's announcement is disappointing and will increase the cost patients must pay for their drugs, which is completely opposite of the Administration's desire to lower prescription drug costs for patients," commented Carl Schmid, Deputy Executive Director of The AIDS Institute.

The April [announcement](#) by CCIIO in the NBPP was met by the patient community with relief, as it would limit the harmful practice known as "copay accumulators," in which insurance companies refuse to count outside financial assistance toward a patient's out-of-pocket maximum. Patients are often taken by surprise as their insurance company collects financial assistance for their prescription drug costs, and then "double dips," requiring even more money from the patient, who is now responsible for the entire deductible. The result is that patients are unable to afford their prescriptions and often abandon their treatment.

"We urge issuers and states to count copay assistance towards a beneficiary's deductible and out-of-pocket maximum. We look forward to working with CCIIO on

refining their policy in order to address the specific policy conflict with the IRS guidance identified in the FAQ," Schmid continued.

While several states have taken action to ban copay accumulators, the federal government's earlier decision to reign in the practice extended relief to patients across the country. Now, CCIIO's recent decision to renege on its promise will have a deep impact on the well-being of Americans suffering from serious conditions.

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