



October 11, 2023

Members of the Ohio Public Health Policy Committee
Ohio Statehouse

RE: HB 177 - Protections Needed to Guard Against High Patient Cost-Sharing for Prescription Drugs

Dear Chairman Lipps, Vice-Chair Stewart, Ranking Member Liston and members of the Committee:

We, the undersigned 56 patient, provider, and consumer organizations, appreciate the House Public Health Policy Committee's work to consider House Bill 177. We ask for the committee's support of the legislation and urge for a vote by the entire Ohio House of Representatives.

Healthcare regulations and policies are a complicated combination of federal and state laws. So, while there is now a federal ruling related to copay accumulators which is a tremendous step forward, Rep. Susan Manchester, the bill sponsor, believes that H.B. 177 is still needed to protect Ohio patients.

If you recall, every current House member who also served during the 134th General Assembly voted for this language. The language that passed the House is now HB 177 and reflects what was negotiated last session between the bill sponsors and House Majority Floor Leader Bill Seitz.

Through House Bill 177, the Ohio General Assembly can reform discriminatory accumulator adjustment programs being used by various health insurance plans and pharmacy benefit managers (PBMs). This legislation would protect Ohioans with complex and life-threatening health conditions who depend on copayment assistance programs to cover out-of-pocket costs for specialty medications.

Similar legislation has been passed by nineteen states, including our neighboring states of West Virginia and Kentucky.

Key details about HB 177 you should know:

1. **A copay accumulator ban will not increase employer health insurance premiums.** Nineteen states and Puerto Rico have passed copay accumulator bans. Multiple studies have shown that a ban does not increase premiums. No evidence from those opposing this legislation has been provided to prove that it increases premiums. Please see the referenced studies below disproving opponents argument.
2. **Insurers and PBM's divert manufacturer patient assistance intended for patients to the tune of more than 25% profit from the funds.** The pirating of these funds causes patients higher out-of-pocket costs, which in turn causes patients to forgo care, increasing the burden on our healthcare system. This diversion of funds is so lucrative for the plans that they often offer their clients \$0 copays for medications. The 25% the plans confiscate is compounded because it is based on the drug's list price, far more than their actual cost for the medication.
3. **HB 177 is not a mandate.** This bill does not require health plans and PBMs to cover any additional benefit. It simply prohibits the discriminatory practices of health plans and PBMs refusing to apply all forms of cost-sharing assistance made on behalf of an enrollee to meet their rapidly escalating out-of-pocket obligations.

4. HB 177 does not interfere with health insurance plans cost saving utilization management tools and does not steer patients to more expensive drugs. The language specifically protects the insurer by allowing accumulator programs for certain cost-sharing requirements for a drug for which there is a medically generic equivalent. This bill preserves the rights of health plans and PBMs to use generic medications as they do now.
5. HB 177 was supported without opposition by the Prescription Drug Transparency and Affordability Council. This Council was created by the Ohio House during the 133rd General Assembly as part of the biennial budget bill (HB 166). This Council included state agency directors, patient advocacy group representatives, statewide business organization leaders, labor union leaders, mayors and others.

The need for House Bill 177 has only been exacerbated with the creation of copay maximizers, alternative funding programs and other roadblocks to prescription assistance.

We look forward to working with the members of the Ohio House of Representatives to pass HB 177 as quickly as possible. Together, as one voice, we urge you to ensure Ohio patients can afford their medications.

Sincerely,

**Aimed Alliance
Academy of Medicine of Cleveland & Northern Ohio
AiArthritis
Allergy & Asthma Network
Alliance for Patient Access
ALS Association
ALS United Central & Southern Ohio
American Cancer Society Cancer Action Network
American College of Rheumatology
American Diabetes Association
American Kidney Fund
Association for Clinical Oncology
BDRSA Foundation
Biomarker Collaborative
Chronic Care Policy Alliance
Chronic Disease Coalition
Oncology Alliance
Coalition of State Rheumatology Organizations
Down Syndrome Association of Central Ohio
Equitas Health
Exon 20 Group
Gaucher Community Alliance
Global Healthy Living Foundation
Hemophilia Federation of America
HIV+Hepatitis Policy Institute
ICAN, International Cancer Advocacy Network
Immune Deficiency Foundation
Infusion Access Foundation
Rare Access Action Project**

**National Alliance on Mental Illness of Ohio
Lupus and Allied Disease Association, Inc.
Movement Disorders Policy Coalition
National Bleeding Disorders Foundation
Mental Health America of Ohio
MET Crusaders
Movement Disorders Policy Coalition
National Bleeding Disorders Foundation
National Eczema Association
National Infusion Center Association
National Psoriasis Foundation
Ohio Association of Rheumatology
Ohio Bleeding Disorders Council
Ohio Chapter of the American College of Cardiology
Ohio Dermatological Association
Ohio Foot and Ankle Medical Association Community
Ohio Gastroenterology Society
Ohio Hematology Oncology Society
Ohio Life Sciences
Ohio Osteopathic Association
Ohio Pharmacists Association
Ohio Psychiatric Physicians Association
Ohio Psychological Association
Ohio Sickle Cell and Health Association
Ohio State Medical Association
PD-L1 Amplifieds
Spondylitis Association of America
The AIDS Institute
US Hereditary Angioedema Association**

C: Majority Floor Leader Bill Seitz
Minority Leader Allison Russo
Rep. Jay Edwards
Rep. Jeff LaRe
Rep. Susan Manchester

Attachments:

1. **Global Healthy Living Foundation Press Release:** States With Laws Protecting Patient Assistance Programs Have Not Seen Health Insurance Premium Hikes; <https://ghlf.org/copay-assistance-protection/>
2. **The AIDS Institute:** Comparison of Marketplace Average Benchmark Premiums Between States With and Without Copay; <https://aidsinstitute.net/documents/Copay-Assistance-Does-Not-Increase-Premiums-Final.pdf>