



October 10, 2023

Via Electronic Communication

Representative Scott Lipps
Chair, Public Health Policy Committee
The Ohio House of Representatives

Representative Beth Liston
Ranking Member, Public Health Policy
Committee
The Ohio House of Representatives

Representative Brian Stewart
Vice-Chair, Public Health Policy Committee
The Ohio House of Representatives

Re: Aimed Alliance Written Testimony in Support for HB177

Dear Chairman Lipps, and Members of the Public Health Policy Committee:

Aimed Alliance is a 501(c)(3) non-profit health policy organization that seeks to protect and enhance the rights of health care consumers and providers. We are writing in support of HB177, and we ask that you swiftly pass HB177 to ensure individuals with chronic conditions can continue to access their necessary treatments.

Historically, privately insured individuals who cannot afford their copayments or coinsurance have been able to obtain aid from manufacturer copay assistance programs. Traditionally, this copay assistance has contributed toward the patient's deductible and maximum out-of-pocket limit, as well as lowering the consumer's cost at the pharmacy counter.¹ Health plans are increasingly implementing copay accumulator programs, which prevent the value of a drug manufacturer's coupon from counting toward a patient's deductible and maximum out-of-pocket limit.² Under such programs, once copayment assistance runs out, the plan enrollee is again faced with an inability to afford his or her medication. In some instances, there are no generic alternatives, and the patient may be forced to ration his or her medications or abandon treatment altogether.³ As a result, the patient can experience disease progression, relapse, and other adverse events, thereby increasing their overall health care utilization.⁴

HB177 seeks to rectify this issue by requiring payers to include any payments made by or on behalf of the insured when calculating the cost-sharing requirement and maximum out-of-pocket limit. However, insurers would not need to include such payments toward the insured's cost sharing requirements or maximum out-of-pocket costs for prescription drugs if there is a medically appropriate generic alternative, unless the prescriber determines that the brand prescription drug is medically necessary. In other words, this bill would prohibit health insurers from adopting copay accumulator programs, unless there is a medically appropriate generic available. The bill strikes the right balance by encouraging the use of less costly, generic medications, when those medications are

¹ GoodRx, *High Deductible Health Plans: Pros, Cons, and FAQ*, <https://www.goodrx.com/blog/the-pros-and-cons-of-high-deductible-health-plans>

² NPR, *Why some patients getting drugmakers help are paying more*, <https://www.npr.org/sections/health-shots/2018/05/30/615156632/why-some-patients-getting-drugmakers-help-are-paying-more>

³ Carl E. Schmid, *New Accumulator Adjustment Programs Threaten Chronically Ill Patients*, <https://www.healthaffairs.org/doi/10.1377/hblog20180824.55133/full/>

⁴ *Id.*

available and medically appropriate, while also taking into account that copay accumulator programs are inappropriate in all other circumstances.

Ohioans across the state rely on cost-sharing assistance to afford their medications, and such assistance can only achieve its full intended benefit if it can be counted toward patients' cost-sharing requirements and maximum out-of-pocket limits. As such, we ask that you support HB177 and urge your fellow legislators to pass the bill. Thank you for considering our position on HB177.

Sincerely,
Ashira Vantrees
Counsel