

Washington Days

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NATIONAL BLEEDING DISORDERS FOUNDATION



Fighting Copay Accumulator Adjustor Programs and Ensuring Access to Care

What does the Help Ensure Lower Patient (HELP) Copays Act (H.R. 830/S. 1375) do?

The HELP Copays Act bans harmful insurer and PBM practices called copay accumulator adjustor policies (CAAPs) and copay maximizer programs by:

- Clarifying the Affordable Care Act (ACA) definition of cost sharing to ensure payments made “by or on behalf of” patients count towards their deductible and out-of-pocket (OOP) maximum.
- Closing the essential health benefit (EHB) loophole to ensure that any items or service covered by a health plan is part of the EHB package so that all related cost sharing counts towards a patient’s cost sharing limits.

In the House, H.R. 830 was introduced by Reps. Carter (R-GA) and Barragan (D-CA). In the Senate, S. 1375 was introduced by Sens. Marshall (R-KS) and Kaine (D-VA).

Why Are People with Bleeding Disorders Concerned About Affording Their Treatments?

- People with bleeding disorders must have access to comprehensive health insurance that covers their life-saving treatments.
- Annual treatment costs exceed \$350,000 per year for a person with severe hemophilia. Therefore, people with bleeding disorders hit their annual OOP max each year, often in the first month or two of the year.
- For 2024, the OOP limit is \$9,450 for an individual and \$18,900 for a family. But the OOP limit only applies to services defined as EHBs.
- Many community members need copay assistance programs to help afford their high OOP costs.

CAAPs and Maximizers Explained. How do they Impact Patient Access?

- When they implement CAAPs, plans accept co-pay assistance but then don’t allow those dollars to count towards a patient’s deductible and OOP max.
- In copay maximizers, plans say that a covered drug is not an EHB. Then, patient protections don’t apply and plans set cost-sharing amounts artificially high to get more patient-assistance dollars. None of the payments count towards a patient’s deductible and OOP max.
- Many patients cannot afford their treatments and interrupt their care when they face CAAPs and maximizers. This leads to complications and expensive and harmful unintended consequences (i.e., increased ER visits, avoidable joint bleeds and damage, and missed days from work/school).
- CAAPs disproportionately impact patients living with serious illness, particularly those who are low income or persons of color.
- CAAPs erode ACA minimum standards and protections against high OOP costs for people with pre-existing conditions.
- This also affects people with other expensive conditions. NBDF helps lead the All Copays Count Coalition, which includes 120+ organizations representing people with cancer, MS, HIV/AIDS, arthritis, lupus, and other rare and chronic conditions.

Cosponsor the HELP Copays Act (H.R. 830/S.1375) to ensure that all copays count for patients.

The National Bleeding Disorders Foundation (NBDF) is dedicated to finding cures for inheritable blood and bleeding disorders and to addressing and preventing the complications of these disorders through research, education, and advocacy, enabling people and families to thrive.