

April 7, 2020

Mr. Randy Pate
Director, Center for Consumer Information and Insurance Oversight
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Re: Reconsidering Cost Sharing Provision in 2021 Notice of Benefit & Payment Parameters under COVID-19 Circumstances

Dear Mr. Pate,

During this unprecedented public health emergency, the All Copays Count Coalition (ACCC) Steering Committee would like to thank you for all that you are doing to ensure health plans have the flexibility they need to adapt and respond to beneficiaries' needs amidst this global COVID-19 pandemic, which is creating a healthcare crisis like never before seen in this country.

The COVID-19 pandemic is necessitating extraordinary efforts by all Americans to reduce the spread of the virus and minimize the loss of life. As many are predicting, we are only at the starting line of this containment marathon, however, we are already witnessing the broad effects this crisis is having not only on the health of individuals and families, but also on their economic well-being.

Record breaking unemployment figures released over the last two weeks indicate that millions of American families will be forced to make tough financial decisions, such as delaying health care-related expenditures in favor of putting food on the table. Under the best of circumstances, delaying or forgoing treatment can lead to severe and costly health consequences for the patients represented by the All Copays Count Coalition (ACCC). In this unprecedented time, it also may put them at greater risk of dying from COVID-19 and place greater burden on an already overtaxed health care system.

In light of these concerns, we urge HHS to reconsider the proposed provision in the 2021 Notice of Benefit Payment Parameters that grants issuers the discretion to count drug copayment assistance towards a member's annual cost sharing, regardless of whether a generic exists.

The Steering Committee urgently requests that you not finalize §156.130(h) as proposed and instead uphold the patient protections intended by the law by keeping in place the Notice of Benefit & Payment Parameter provision finalized in May 2019. This will ensure patients can access their prescription medications without undue financial burden. We look forward to working with you to ensure patient access to needed medications.

Should you have any questions please don't hesitate to reach out to any of the undersigned ACCC steering committee members.

Respectfully,

Rachel Klein, Deputy Executive Director, AIDS Institute, RKlein@tmail.org.
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