

The Honorable Karen E. Spilka  
President of the Senate  
State House, Room 332  
Boston, MA 02133

The Honorable Michael Rodrigues  
Chair, Senate Committee on Ways and Means  
State House, Room 212  
Boston, MA 02133

The Honorable Cindy F. Friedman  
Chair, Joint Committee on Health Care Financing  
State House, Room 313  
Boston, MA 02133

November 15, 2023

Dear Legislators,

On behalf of the undersigned Massachusetts and New England organizations, we thank you for your leadership and efforts to deliver high-quality health care to Massachusetts residents. We strongly support Amendment 34 to Senate Bill 2499, which would ensure that all payments made by or on behalf of a patient count towards the patient's deductible and out-of-pocket maximum. Doing so will lower costs for patients at the pharmacy counter and increase adherence to treatments.

Over the past several years, insurers and pharmacy benefit managers (PBMs) have begun implementing accumulator adjustment programs (AAP) to prevent copay assistance from counting toward a patient's deductible or out-of-pocket maximum, shifting more costs onto patients. Recently, there has been an increased use of copay maximizer programs. Under copay maximizer programs, specialty medications are designated as "non-essential" and not subject to the Essential Health Benefits under the Affordable Care Act (ACA). These practices essentially negate the benefit of copay assistance and increase costs for patients, especially for our most vulnerable patients. Patients exposed to these practices, often unknowingly, pay hundreds or even thousands of dollars more out-of-pocket for their medicines and health care services. Currently, 19 states, as well as Puerto Rico and Washington D.C., have implemented AAP bans to protect patients.

As an organization representing thousands of Massachusetts patients and providers, we thank you for considering this essential policy and ask that you support Amendment 34. Barriers to copay assistance, like copay accumulator adjustment programs and copay maximizers, are pervasive and impact more patients each year. As a means-tested program, copay assistance must benefit the patients it was intended to support rather than allowing insurers

and PBMs to double dip and increase their profits at the expense of those in need. Thank you for your leadership on this crucial issue.

Respectfully Submitted,

Alliance for Patient Access  
ALS Association  
American Diabetes Association  
American Cancer Society Cancer Action Network  
American College of Gastroenterology  
American College of Rheumatology  
Asthma and Allergy Foundation of America, New England Chapter  
Association for Clinical Oncology  
Amyloidosis Foundation  
Arthritis Foundation  
Autoimmune Association  
CancerCare.  
Coalition of State Rheumatology Organizations  
Closing the Gap Foundation  
Crohn's & Colitis Foundation  
Epilepsy Foundation New England  
Family Reach  
Fenway Health  
Gaucher Community Alliance  
Global Healthy Living Foundation  
Headache and Migraine Policy Forum  
HeartBrothers Foundation  
Heart, Faith & Strength  
Hemophilia Federation of America  
HIV & Hepatitis Policy Institute  
Infusion Access Foundation (IAF)  
International Foundation for AiArthritis  
Lupus and Allied Diseases Association, Inc.  
Massachusetts Academy of Dermatology  
Massachusetts Association for Mental Health, Inc.  
Massachusetts Gastroenterology Association  
Massachusetts Independent Pharmacists Association  
Massachusetts Medical Society  
Massachusetts Pain Initiative  
Massachusetts Pharmacists Association  
Massachusetts Society of Clinical Oncologists  
Meghan's Light  
Movement Disorder Policy Coalition  
Multiple Sclerosis Association of America

National Alliance on Mental Illness, Massachusetts  
National Eczema Association  
National Hemophilia Foundation  
National Infusion Center Association (NICA)  
National Multiple Sclerosis Society  
National Psoriasis Foundation (NPF)  
Neurofibromatosis Northeast  
New England Bleeding Disorders Advocacy Coalition  
New England Hemophilia Association  
Patients for Prescription Access Coalition  
Patients Rising  
Patients Rising Now  
Rare New England  
Susan G. Komen  
U.S. Pain Foundation

cc: Members of the Massachusetts State Senate