

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 212 (November 2020)

Introduced by: American College of Rheumatology, American Academy of Dermatology, American Academy of Neurology, American Academy of Ophthalmology, Association for Clinical Oncology, Georgia, Society for Investigative Dermatology, American College of Gastroenterology, New Jersey

Subject: Copay Accumulator Policies

Referred to: Reference Committee B

Whereas, Copay assistance funds are intended to help patients afford and maintain their medication; and

Whereas, Commercial payers have implemented copay accumulator policies that prevent copay assistance funds from being applied towards a patient's deductible; and

Whereas, Copay accumulator policies allow payers to collect the full amount of the copay assistance provided to the patient and also collect the full amount of the deductible directly from the patient to the financial detriment of the patient; and

Whereas, Copay accumulator policies negatively impact a patient's ability to afford the medications that have been prescribed by their physician by depriving them of the intended cost-savings designed to make the medication more affordable for the individual patient; and

Whereas, Copay assistance funds are often exhausted in the middle of a plan year, leaving patients to pay their full deductible out-of-pocket or discontinue their medication; and

Whereas, The largest commercial insurer in the United States will require physicians to report copay assistance data beginning January 1, 2021 for the express purpose of preventing the application of copay funds toward the patient deductible, thereby placing physicians in conflict with the welfare of their patients and violating the *AMA Code of Medical Ethics*; and

Whereas, It is of the highest urgency during this time of economic uncertainty and public health emergency that payers avoid policies that increase out-of-pocket costs so that patients can continue to afford their medication to improve outcomes and reduce associated morbidity and mortality; and

Whereas, In the current public health emergency it is of the highest urgency to ensure that patients can continue to afford their medications to avoid the dangerous and potentially fatal complications that are associated with COVID-19 infections and the presence of uncontrolled, or poorly controlled, comorbidities; and

Whereas, Even in the absence of the current public health emergency payers should not be permitted to collect copay assistance funds and also collect the full deductible to the patient's financial detriment; therefore be it

RESOLVED, That our American Medical Association with all haste directly engage and advocate for the adoption of proposed state legislation or regulation that would ban copay accumulator policies in state regulated health care plans, including Medicaid (Directive to Take Action); and be it further

RESOLVED, That our AMA with all haste directly engage and advocate for the adoption of proposed federal legislation or regulation that would ban copay accumulator policies in federally regulated ERISA plans. (Directive to Take Action)

Fiscal Note: Modest - between \$1,000 - \$5,000