

BioForward Wisconsin Supports All Copays Count Legislation

Wisconsin legislators are currently considering bipartisan legislation, called the *All Copays Count* legislation, which is critical for Wisconsin patients. This legislation ensures that patients' copay assistance will be counted toward their out-of-pocket cost for their medications at the pharmacy counter and would stop insurers from accepting the money but excluding it from counting toward a patient's deductible or out-of-pocket cost. This practice, called "copay accumulator" by insurance companies, often creates a life-or-death situation for patients. If a patient can no longer use assistance to help afford their medications, then some patients just stop taking them. Seventeen other states have already passed similar legislation. BioForward Wisconsin is solidly in support of the legislative effort to end this practice in Wisconsin. We have joined the *Wisconsin All Copays Count Coalition*, a group with more than 40 members championing this legislation this session. For more information, go to www.wi4patient.com.

The challenge



A majority of commercial health plans in Wisconsin include language in their policies that exclude copay assistance from the patient's cost sharing copay. A copay, or copayment, is a set or fixed dollar amount a patient must pay for a medical service, such as a doctor's visit or a prescription medication. The payment typically counts towards a patient's annual deductible and cost-sharing requirements.

Some patients need copay assistance, which is provided by manufacturers or nonprofits in order to help patients afford their medications. This type of assistance is only available to insured patients after a patient and their physicians have determined the right therapy and after the patient has completed utilization management protocols required by their insurance plan. These medications are approved by their health plans. And, patients must apply for, and be approved for, copay assistance.

The problem occurs when some health insurance companies put copay accumulator policies in place. These policies block copay assistance from counting towards a patient's deductible and cost-sharing requirements. Here is how it works. The health plans accept the copay assistance. But, they do not count that copay assistance toward the patient's deductible or out of pocket maximum. At some point, the patient uses up their copay assistance and then has to still pay the full deductible cost for their medication. The health plan keeps the copay assistance AND collects the full deductible amount from the patient. The reality is that copay accumulator policies eliminate any benefit patients receive through copay assistance programs. And, for our more vulnerable Wisconsin residents, it means some must make the difficult decision to discontinue taking their medicines when the co-pay assistance runs out. It's a decision no one should have to make.

The solution



The All Copays Count legislation would ensure that commercial health plans and PBMs in Wisconsin count the value of copay assistance toward patient cost sharing requirements.

To date, 17 states and Puerto Rico have passed similar legislation. Wisconsin's bipartisan legislation, 2023 Assembly Bill 103 and Senate Bill 100, has been introduced by 47 members of the Wisconsin State Senate and Assembly. This legislation needs to pass this session! With the help and support of the *Wisconsin All Copays Count Coalition*, we intend to make that happen.

BioForward Wisconsin, representing Wisconsin's biohealth industry, calls on our legislators to put patients first and not just support All Copays Count legislation, but to pass it into law. Learn more at: [WI All Copays Count Coalition \(wi4patients.com\)](https://www.wi4patients.com)

**Information contained in this position paper came from WI All Copays Count*