

From: [Melissa Horn](#)
To: [ETF SMB Board Feedback](#)
Subject: Oppose Implementation of Navitus' Copay-Max Plus Program to Protect Wisconsin Patients
Date: Tuesday, May 16, 2023 3:02:49 PM
Attachments: [Wisconsin GIB 05162023.pdf](#)

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May 9, 2023

Group Insurance Board
c/o Board Liaison
Wisconsin Department of Employee Trust Funds
PO Box 7931
Madison, WI 53707-7931

RE: Oppose Implementation of Navitus' Copay-Max Plus Program to Protect Wisconsin Patients

Members of the Group Insurance Board (GIB):

On behalf of the more than 1.4 million Wisconsin residents living with doctor diagnosed arthritis, I am writing to express our concerns with the Navitus' Copay-Max Plus Program that the Group Insurance Board (GIB) is considering as part of proposed 2024 benefit changes for state employees and retirees. This program would threaten prescription drug affordability and access for vulnerable patients across our great state and build upon the harmful practices that Wisconsin health plans and pharmacy benefit managers (PBMs) use to degrade copay assistance.

Arthritis isn't a single disease; the term refers to joint pain or joint disease, and there are more than 100 types of arthritis and related conditions. People of all ages, races and sexes live with arthritis, and it is the leading cause of disability in the United States.

In a recent Arthritis Foundation survey, 37% of patients reported they had trouble affording their out-of-pocket costs. Of those, 54% say they have incurred debt or suffered financial hardship because of it. The Arthritis Foundation also surveyed in 2017 asking patients about accumulator programs and found that if patients are faced with a large, unexpected charge for a prescription drug, the top three reactions would be: abandoning or delaying their prescription fill; lengthening the time between doses; and asking their provider to switch to another drug.

17 states have adopted copay accumulator bans and several other states as well as the District of Columbia are on pace to join them by the end of June. **The Copay-Max Plus Program is in direct contrast to the direction other states are going.**

In February, Governor Tony Evers included a critical "All Copays Count" legislation in his 2023-2025 Executive Budget Bill, highlighting the importance of copay assistance. This is

the third time the Governor has included a ban in his budget proposal. **The Copay-Max Plus Program is in direct contrast to the Governor's proposal.**

This March, a bipartisan coalition of Wisconsin lawmakers also introduced the "All Copays Count" legislation (AB 103 and SB 100) to improve patient access and affordability to prescription medications. This bipartisan legislation that has the support of nearly 50 co-sponsors in the legislature and nearly 50 patient and provider advocacy groups. **The Copay-Max Plus Program is in direct contrast to the Legislature's proposal.**

Patients rely on copay assistance to access their medically-necessary medications, especially where no generic alternatives exist for their condition. Yet in Wisconsin, nothing stops insurance plans and pharmacy benefit managers (PBMs) from implementing "copay maximizer policies," such as the Copay-Max Plus Program. Copay maximizers take advantage of drug manufacturer coupons and copay assistance programs applied to many high-cost drugs at the expense of patients. Under the proposed program, the health plan determines the patient's copay based on the maximum amount of manufacturer copay assistance available to them, rather than on the list or net price of the medication. Enrollees may then be required to enroll in copay assistance in order to gain access to needed medication. By implementing this policy, the health plan receives the entire possible amount of copay assistance, but this copay assistance does not count towards the individual's deductible or annual out-of-pocket limit, meaning the patient does not receive the intended benefit of the assistance.

There are no rules governing how copay maximizers are structured, and health plans can change them at will. The use of maximizer programs has also led to some health plans adopting a more aggressive definition of essential health benefits (EHBs), in order to maximize the patient's copay assistance. When insurers create barriers to treatment access, patients often skip doses or abandon treatment entirely, worsening individual health outcomes and increasing overall health care system costs.

We urge members of the GIB to vote against the implementation of Navitus' Copay-Max Plus Program in the 2024 state employee and retiree health plans in order to protect Wisconsin patients living with arthritis and other chronic diseases.

Thank you for your leadership and continued commitment to Wisconsin communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Horn", with a long, sweeping underline that extends to the right.

Melissa Horn
Director of State Legislative Affairs
Arthritis Foundation
1615 L St. NW Suite 320
Washington, D.C. 20036
240.468.7464 | mhorn@arthritis.org

More information about copay maximizers and the *Wisconsin All Copays Count* Coalition

can be found at: <https://www.wi4patients.com>.

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