

**From:** [Cosh, Bill](#)  
**To:** [ETF SMB Board Feedback](#)  
**Cc:** [Madden, Zach A - GOV](#); [Hall, Steve - LEGIS](#); [Jacque, Andre - LEGIS](#)  
**Subject:** Letter from Sen. Jacque & Rep. Tittl  
**Date:** Monday, April 17, 2023 1:55:49 PM  
**Attachments:** [WI ACCC Letter to Group Insurance Board \(GIB\) \(Navitus Program\).pdf](#)  
[WI ACCC Press Release - Letter to GIB.pdf](#)  
[202304171331.pdf](#)

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Please see the attached letter from Sen. Jacque and Rep. Tittl.

Bill Cosh  
Office of Senator Jacque

April 17, 2023

Group Insurance Board

c/o Board Liaison

Wisconsin Department of Employee Trust Funds

P.O. Box 7931

Madison, WI 53707-7931

Dear Group Insurance Board:

On behalf of our state employee constituents, as taxpayers and as the co-authors of the bipartisan legislation to prohibit this practice (SB 100/AB 103), we write to express our sincere 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.

As the All Copays Count coalition outlined in their letter of opposition, "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."

In addition to running contrary to the intent of our legislation, this proposed action by the GIB also runs counter to the "All Copays Count" legislation Wisconsin Governor Tony Evers included in his 2023-2025 Executive Budget Bill.

The State of Wisconsin should not be promoting a program and practice that threatens drug affordability and access for its own employees.

Sincerely,

Senator André Jacque

Representative Paul Tittl

**From:** Rob Gundermann <gundermann@cwag.org>

**Sent:** Wednesday, March 29, 2023 1:28 PM

**To:** Sen.Cabral-Guevara <Sen.Cabral-Guevara@legis.wisconsin.gov>; Sen.Carpenter <Sen.Carpenter@legis.wisconsin.gov>; Retza, Ryan <Ryan.Retza@legis.wisconsin.gov>; Moscicke, Michael <Michael.Moscicke@legis.wisconsin.gov>; Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>; Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>; Tompach, Matthew <Matthew.Tompach@legis.wisconsin.gov>; Sen.James <Sen.James@legis.wisconsin.gov>; Casola, Victoria <Victoria.Casola@legis.wisconsin.gov>; Sen.Johnson <Sen.Johnson@legis.wisconsin.gov>; Sen.Larson <Sen.Larson@legis.wisconsin.gov>; Sen.Quinn <Sen.Quinn@legis.wisconsin.gov>; Sen.Taylor <Sen.Taylor@legis.wisconsin.gov>; Sen.Wanggaard <Sen.Wanggaard@legis.wisconsin.gov>; Rep.CAnderson <Rep.CAnderson@legis.wisconsin.gov>; Rep.Anderson <Rep.Anderson@legis.wisconsin.gov>; Rep.Armstrong <Rep.Armstrong@legis.wisconsin.gov>; Rep.Subeck <Rep.Subeck@legis.wisconsin.gov>; Rep.Behnke <Rep.Behnke@legis.wisconsin.gov>; Rep.Krug <Rep.Krug@legis.wisconsin.gov>; Rep.Murphy <Rep.Murphy@legis.wisconsin.gov>; Rep.Mursau <Rep.Mursau@legis.wisconsin.gov>; Rep.Rozar <Rep.Rozar@legis.wisconsin.gov>; Rep.Schraa <Rep.Schraa@legis.wisconsin.gov>; Rep.Baldeh <Rep.Baldeh@legis.wisconsin.gov>; Rep.Bare <Rep.Bare@legis.wisconsin.gov>; Brooks, Rob <Rep.Rob.Brooks@legis.wisconsin.gov>; Rep.Cabrera <Rep.Cabrera@legis.wisconsin.gov>; Rep.Drake <Rep.Drake@legis.wisconsin.gov>; Rep.Green <Rep.Green@legis.wisconsin.gov>; Rep.Gundrum <Rep.Gundrum@legis.wisconsin.gov>; Rep.Jacobson <Rep.Jacobson@legis.wisconsin.gov>; Rep.Joers <Rep.Joers@legis.wisconsin.gov>; Rep.O'Connor <Rep.O'Connor@legis.wisconsin.gov>; Rep.Ohnstad <Rep.Ohnstad@legis.wisconsin.gov>; Rep.Ratcliff <Rep.Ratcliff@legis.wisconsin.gov>; Rep.Rodriguez <Rep.Rodriguez@legis.wisconsin.gov>; Rep.Schmidt <Rep.Schmidt@legis.wisconsin.gov>; Rep.Schutt <Rep.Schutt@legis.wisconsin.gov>; Rep.Shankland <Rep.Shankland@legis.wisconsin.gov>; Rep.Sinicki <Rep.Sinicki@legis.wisconsin.gov>; Rep.Spiros <Rep.Spiros@legis.wisconsin.gov>; Rep.Stubbs <Rep.Stubbs@legis.wisconsin.gov>; Rep.Wichgers <Rep.Wichgers@legis.wisconsin.gov>; Rep.Clancy <Rep.Clancy@legis.wisconsin.gov>; Rep.Madison <Rep.Madison@legis.wisconsin.gov>; Rep.Tittl <Rep.Tittl@legis.wisconsin.gov>; Hall, Steve <Steve.Hall@legis.wisconsin.gov>; Madden, Zach A - GOV <zach.madden@wisconsin.gov>; Behm, Maryjane <Maryjane.Behm@legis.wisconsin.gov>; Rep.Moses <Rep.Moses@legis.wisconsin.gov>; Sen.Felzkowski <Sen.Felzkowski@legis.wisconsin.gov>; Ivanov, Stamen

<Stamena.Ivanov@legis.wisconsin.gov>; Sen.Hutton <Sen.Hutton@legis.wisconsin.gov>; Lonergan, Sandy <Sandy.Lonergan@legis.wisconsin.gov>; Sen.Jagler <Sen.Jagler@legis.wisconsin.gov>; Fladeboe, David <David.Fladeboe@legis.wisconsin.gov>; Sen.Pfaff <Sen.Pfaff@legis.wisconsin.gov>; Groshek, Dave <Dave.Groshek@legis.wisconsin.gov>; Weeks, Colin <Colin.Weeks@legis.wisconsin.gov>; Rep.Dittrich <Rep.Dittrich@legis.wisconsin.gov>; Rep.Magnafici <Rep.Magnafici@legis.wisconsin.gov>; Happel, Michael <Michael.Happel@legis.wisconsin.gov>; Rep.Sapik <Rep.Sapik@legis.wisconsin.gov>; Arrowood, Craig <Craig.Arrowood@legis.wisconsin.gov>; Rep.Summerfield <Rep.Summerfield@legis.wisconsin.gov>; Lanzer, Sam <Sam.Lanzer@legis.wisconsin.gov>; Rep.VanderMeer <Rep.VanderMeer@legis.wisconsin.gov>; Rep.Riemer <Rep.Riemer@legis.wisconsin.gov>; Coyne, Rebecca <Rebecca.Coyne@legis.wisconsin.gov>; Rep.Vining <Rep.Vining@legis.wisconsin.gov>

**Subject:** ACC Letter and Release

Good morning,

On behalf of the Wisconsin All Copays Count Coalition, which comprises nearly 50 Wisconsin and national non-profit health advocacy organizations, please find attached a letter that was submitted this week to the Group Insurance Board (GIB) to express severe concern with the Navitus' Copay-Max Plus Program that the GIB is considering as part of proposed 2024 benefit changes for state employees and retirees. The Copay-Max Plus Program takes advantage of manufacturer copay assistance programs by preventing copay assistance from counting toward a patient's annual out-of-pocket cost limit.

The proposed policy directly contrasts bipartisan legislation AB 103 and SB 100, which has the support of 42 sponsors in the legislature and nearly 50 patient and provider advocacy groups. AB 103/SB 100 will ensure health plans and pharmacy benefit managers in Wisconsin count the value of copay assistance towards patient out-of-pocket cost responsibilities. In February, Governor Tony Evers included this critical legislation in his 2023-2025 Executive Budget Bill, highlighting the importance of copay assistance. The Copay-Max Plus Program is contrary to this legislation, the governor's budget proposal, and the direction most states are headed.

Sincerely,

Rob Gundermann  
President & CEO, Coalition of Wisconsin Aging & Health Groups  
Lead Member, *Wisconsin All Copays Count Coalition*

**About the *Wisconsin All Copays Count Coalition*:**

The *Wisconsin All Copays Count Coalition* is comprised of over forty national and Wisconsin-based patient, provider, and physician groups serving the interests of patients with chronic and serious health conditions that rely on copay assistance to access critical medications.

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**Robert M. Gundermann**  
**President and CEO**

Coalition of Wisconsin Aging & Health Groups  
30 West Mifflin Street, Suite 406

Madison, WI 53703

[www.cwag.org](http://www.cwag.org)



**FOR IMMEDIATE RELEASE**

## **Nearly 50 Patient and Provider Groups Urge the Group Insurance Board to Oppose Implementation of Navitus' Copay-Max Plus Program to Protect Wisconsin Patients from Harmful Insurance Loophole**

*Navitus Program Would Threaten Prescription Treatment Access for Vulnerable Wisconsinites, Contradict Bipartisan Wisconsin Legislative Effort to Protect Patients Access*

**MADISON, WI, March [28], 2023** – This week, the *Wisconsin All Copays Count* Coalition, which comprises nearly 50 Wisconsin and national non-profit health advocacy organizations, submitted a letter to the Group Insurance Board (GIB) to express severe concern with the Navitus' Copay-Max Plus Program that the GIB is considering as part of proposed 2024 benefit changes for state employees and retirees.

In Wisconsin, nothing stops insurers and PBMs from implementing "copay accumulator policies," like the Copay-Max Plus Program, that don't count the value of copay assistance towards patients' annual out-of-pocket cost responsibilities. In this scenario, insurers still collect the financial assistance intended for patients at the pharmacy counter and redirect that financial assistance to themselves, essentially double dipping into financial assistance meant for patients in need. Navitus' Copay-Max Plus Program takes advantage of manufacturer copay assistance programs that are applied to many high-cost drugs to help patients afford their treatments. Under the proposed program, amounts paid by drug manufacturers on a patient's behalf, such as copay assistance, will not count toward a patient's annual out-of-pocket cost limit. Instead, only the payments made directly by the patient will count toward their deductibles. This policy is detrimental to patient communities across the state who depend on copay assistance to adhere to their prescription medications and manage their health.

"Patients rely on copay assistance to access their medically-necessary medications, especially where no generic alternatives exist for their condition," wrote the *Wisconsin All Copays Count* Coalition in the letter to the Group Insurance Board. "The *Wisconsin All Copays Count* Coalition encourages members of the GIB to oppose implementation of Navitus' Copay-Max Plus Program in the 2024 state employee and retiree health plans and stand with patients and their physicians in helping those with chronic and complex conditions access the treatments they need to live a healthy and productive life."

This March, bipartisan members of the Wisconsin legislature introduced the All Copays Count legislation AB 103 and SB 100 to improve patient access and affordability to prescription medications. This legislation is one of the most bipartisan bills of the session and has nearly a third of the legislature signed on as cosponsors. AB 103/SB 100 will ensure health plans and PBMs in Wisconsin count the value of copay assistance towards patient out-of-pocket cost responsibilities. In February, Governor Tony Evers included this critical "All Copays Count" legislation in his 2023-2025 Executive Budget Bill, highlighting the importance of copay assistance. The Copay-Max Plus Program directly contrasts the Governor's proposal and the bipartisan legislation that has the support of 42 sponsors in the legislature and nearly 50 patient and provider advocacy groups.



**About the *Wisconsin All Copays Count Coalition*:**

The *Wisconsin All Copays Count Coalition* is comprised of over forty national and Wisconsin-based patient, provider, and physician groups serving the interests of patients with chronic and serious health conditions that rely on copay assistance to access critical medications.

Coalition members include Allergy & Asthma Network, ALS Association, Alzheimer's Association, American Association of Clinical Urologists, Inc. (AACU), American Cancer Society - Cancer Action Network, American Diabetes Association, American Kidney Fund, American Medical Association (AMA), Arthritis Foundation, Association for Clinical Oncology (ASCO), Autoimmune Association, BioForward Wisconsin, Coalition of State Rheumatology Organizations (CSRO), Coalition of Wisconsin Aging & Health Groups (CWAG), Community Liver Alliance (CLA), Gaucher Community Alliance (GCA), Great Lakes Hemophilia Foundation, Hemophilia Federation of America (HFA), HIV+HEP Policy Institute, Infusion Access Foundation, ICAN, International Cancer Advocacy Network, International Foundation for Autoimmune & Autoinflammatory Arthritis (IFAA), Little Hercules Foundation, Lupus and Allied Diseases Association, Inc., Lupus Foundation of America, National Eczema Association, National Hemophilia Foundation, National Infusion Center Association (NICA), National Multiple Sclerosis Society, National Psoriasis Foundation, Prevent Blindness Wisconsin, Pulmonary Hypertension Association (PHA), Sixteenth Street, Spondylitis Association of America, Susan G. Komen, Vivent Health, Wisconsin Association of Hematology and Oncology, Wisconsin Association of Osteopathic Physicians & Surgeons, Wisconsin Medical Society, Wisconsin Nurses Association (WNA), Wisconsin Primary Health Care Association, and Wisconsin Rheumatology Association (WRA).

More information about copay accumulators and the *Wisconsin All Copays Count Coalition* can be found at: <https://www.wi4patients.com>.



March 27, 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 *Wisconsin All Copays Count* Coalition, which comprises nearly 50 Wisconsin and national non-profit advocacy organizations that represent diverse patient and provider communities, we write to express our sincere 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.

**The *Wisconsin All Copays Count* Coalition urges members of the GIB to oppose implementation of Navitus' Copay-Max Plus Program in the 2024 state employee and retiree health plans in order to protect Wisconsin patients.**

Navitus' Copay-Max Plus Program takes advantage of drug manufacturer coupons and copay assistance programs applied to many high-cost drugs at the expense of patients. Under the proposed program, amounts paid by drug manufacturers on a patient's behalf, such as copay assistance, will not count toward a patient's annual out-of-pocket cost limit. Instead, only the payments made directly by the patient will count toward their deductibles. This policy is detrimental to patient communities across the state who depend on copay assistance to adhere to their prescription medications and manage their health. It's a bottom line win for Navitus and a break-the-bank policy for patients.

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 accumulator policies," such as the Copay-Max Plus Program, that don't count the value of copay assistance towards patients' annual deductible or out-of-pocket cost responsibilities. In this scenario, insurers still collect the financial assistance intended for patients at the pharmacy counter and redirect that financial assistance to themselves, essentially double dipping into financial assistance meant for patients in need. When patients cannot afford their medications, they often skip doses or abandon treatment entirely, worsening individual health outcomes and increasing overall health care system costs.

This March, bipartisan members of the Wisconsin legislature introduced the All Copays Count legislation AB 103 and SB 100 to improve patient access and affordability to prescription medications. This legislation will ensure health plans and PBMs in Wisconsin count the value of copay assistance towards patient out-of-pocket cost responsibilities. In February, Governor Tony Evers included this critical "All



Copays Count” legislation in his 2023-2025 Executive Budget Bill, highlighting the importance of copay assistance. The Copay-Max Plus Program directly contrasts the Governor’s proposal and the bipartisan legislation that has the support of 42 sponsors in the legislature and nearly 50 patient and provider advocacy groups.

**The *Wisconsin All Copays Count* Coalition encourages members of the GIB to oppose implementation of Navitus’ Copay-Max Plus Program in the 2024 state employee and retiree health plans and stand with patients and their physicians in helping those with chronic and complex conditions access the treatments they need to live a healthy and productive life.**

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

Sincerely,

Rob Gundermann  
President & CEO, Coalition of Wisconsin Aging & Health Groups  
Lead Member, *Wisconsin All Copays Count* Coalition

**About the *Wisconsin All Copays Count* Coalition:**

The *Wisconsin All Copays Count* Coalition is comprised of over forty national and Wisconsin-based patient, provider, and physician groups serving the interests of patients with chronic and serious health conditions that rely on copay assistance to access critical medications.

Coalition members include Allergy & Asthma Network, ALS Association, Alzheimer's Association, American Association of Clinical Urologists, Inc. (AACU), American Cancer Society - Cancer Action Network, American Diabetes Association, American Kidney Fund, American Medical Association (AMA), Arthritis Foundation, Association for Clinical Oncology (ASCO), Autoimmune Association, BioForward Wisconsin, Coalition of State Rheumatology Organizations (CSRO), Coalition of Wisconsin Aging & Health Groups (CWAG), Community Liver Alliance (CLA), Gaucher Community Alliance (GCA), Great Lakes Hemophilia Foundation, Hemophilia Federation of America (HFA), HIV+HEP Policy Institute, Infusion Access Foundation, ICAN, International Cancer Advocacy Network, International Foundation for Autoimmune & Autoinflammatory Arthritis (IFAA), Little Hercules Foundation, Lupus and Allied Diseases Association, Inc., Lupus Foundation of America, National Eczema Association, National Hemophilia Foundation, National Infusion Center Association (NICA), National Multiple Sclerosis Society, National Psoriasis Foundation, Prevent Blindness Wisconsin, Pulmonary Hypertension Association (PHA), Sixteenth Street, Spondylitis Association of America, Susan G. Komen, Vivent Health, Wisconsin Association of Hematology and Oncology, Wisconsin Association of Osteopathic Physicians & Surgeons, Wisconsin Medical Society, Wisconsin Nurses Association (WNA), Wisconsin Primary Health Care Association, and Wisconsin Rheumatology Association (WRA).

More information about copay accumulators and the *Wisconsin All Copays Count* Coalition can be found at: <https://www.wi4patients.com>.





# WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

April 17, 2023

Group Insurance Board

c/o Board Liaison

Wisconsin Department of Employee Trust Funds

P.O. Box 7931

Madison, WI 53707-7931

Dear Group Insurance Board:


On behalf of our state employee constituents, as taxpayers and as the co-authors of the bipartisan legislation to prohibit this practice (SB 100/AB 103), we write to express our sincere 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.

As the All Copays Count coalition outlined in their letter of opposition, "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."

In addition to running contrary to the intent of our legislation, this proposed action by the GIB also runs counter to the "All Copays Count" legislation Wisconsin Governor Tony Evers included in his 2023-2025 Executive Budget Bill.

The State of Wisconsin should not be promoting a program and practice that threatens drug affordability and access for its own employees.

Sincerely,



Senator André Jacque



Representative Paul Tittl



**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
A. John Voelker  
SECRETARY

Wisconsin Department  
of Employee Trust Funds  
PO Box 7931  
Madison WI 53707-7931  
1-877-533-5020 (toll free)  
Fax 608-267-4549  
[etf.wi.gov](http://etf.wi.gov)

May 11, 2023

Bill Cosh  
[REDACTED]

Dear Bill Cosh:

I appreciate you and Senator Jacque sitting down with Renee Walk, Tarna Hunter, and I on Tuesday, May 2, to discuss the Department of Employee Trust Funds' (ETF's) pharmacy benefits program and the proposed Copay Accumulator Program, now known as the Access Guidance Service Program. You can find the ["2024 Program Agreement and Benefit Changes"](#) memo and the other May 17, 2023, meeting materials on the [Group Insurance Board Meeting Agendas and Materials](#) page on the ETF website.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Tricia Sieg, Pharmacy Benefits Program Manager  
Office of Strategic Health Policy  
Department of Employee Trust Funds  
[tricia.sieg@etf.wi.gov](mailto:tricia.sieg@etf.wi.gov)  
608-261-6006