

# State Legislation Talking Points

## Co-Pay Accumulator

**SB 844: Bill Sponsor:** Senator Mike Bernskoetter

Requires any amount paid on behalf of a health benefit plan enrollee to count toward the enrollee's cost-sharing.

- We all know someone who has struggled to afford the out-of-pocket costs of medicines they need. This is especially true for patients with serious, chronic conditions like cancer and arthritis.
- Patients may rely on assistance from manufacturers and nonprofits to pay for medications. Usually, once the patient has paid for the drug for several months, they meet their deductible, and their insurance kicks in.
- Some insurers have created policies that patient's financial assistance will not count toward their deductible. This is known as "co-pay accumulator."
- When a patient's assistance runs out, they still have to pay the full deductible, which can be thousands of dollars, as if they had not paid anything in the previous months.
- Patients are no longer benefiting from the assistance programs. Instead, they are stuck with surprise bills for their life-saving medications.
- This bill ensures that any amounts paid by the patient, including from financial assistance programs, will count toward their deductible.
- Last year, this language passed the House 117 to 38 and passed out of this committee. It was one of several bills that died on the Senate Calendar during the final week of the session.

## 340B Rebates

**SB 715: Bill Sponsor:** Senator Justin Brown

**HB 2267: Bill Sponsor:** Representative Tara Peters

- Precludes the PBM's from pocketing the 340b rebates, ensuring the discounts on the drugs are used for the intended patient population and ensures access to pharmacies in each of the small communities by allowing regional hospitals and health clinics to contract with pharmacies in surrounding communities making it easier for patients to get their medications.

## PBM

**SB 843: Bill Sponsor:** Senator Mike Bernskoetter

**SB 1105: Bill Sponsor:** Senator Travis Fitzwater

**HB 1627: Bill Sponsor:** Representative Dale Wright

- Pharmacy benefit managers (PBMs) have inserted themselves between you and your doctor, pharmacist and health insurer – causing you hassles and higher prices.
- PBMs influence what consumers pay for medicines by controlling approved drug lists and setting prices.
- The PBMs think they can manage your prescription therapy better than your health care provider.
- The PBM industry pockets drug discounts meant for lowering your (the patient's) prescription costs, raising their profits at your expense.
- Trump and Biden agree that the lack of PBM transparency has hurt patients' access to affordable and needed medications.
- PBMs' misalignment of incentives, excess pricing complexity, and a lack of transparency and oversight raises prices on payers and patients.