



THE AIDS INSTITUTE

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## **Health Insurance Issuers in Violation of State Copay Accumulator Adjustor Laws**

***Issuers in 10 States Have Copay Accumulator Adjustment Policies; Insurance Commissioners Must Enforce the Laws***

**Washington, DC**—The AIDS Institute, a national, nonpartisan, nonprofit organization, released a [new analysis](#) today showing that health insurance plans in 10 states include copay accumulator adjustment policies (CAAPs) despite laws prohibiting the practice. The findings highlight the need for state insurance commissioners to ensure that insurers are following state laws that protect patient access to prescription drugs.

People living with HIV, viral hepatitis and other serious and complex chronic conditions rely on copayment assistance to afford the specialty medications they need to maintain their health. State legislators stepped in when it became apparent that insurers and pharmacy benefit managers (PBMs) were collecting the financial assistance intended for patients, but not counting it to the patient's out-of-pocket costs.

In 2024, 18 states and Puerto Rico have laws in effect requiring insurers and PBMs to count payments made by or on behalf of an enrollee toward the enrollee's annual out-of-pocket limit. The AIDS Institute reviewed health insurance policies for plans offered through the state and federal marketplaces to determine how insurers were implementing the laws. The results reveal that 21 insurers in 10 of those states continue to have copay accumulator adjustment policies in plan documents:

- In GA, IL, LA, NM, NC, OK, TN, TX, VA, and WA, at least 1 insurer has CAAPs
- In TX, six out of fifteen insurers (40%) include CAAPs in their plans
- In GA, three out of eight insurers (38%) include CAAPs in their plans

- In NM, NC, TN, and WA, two insurers include CAAPs in their plans
- In IL, LA, OK, and VA one insurer includes CAAPs in their plans

The number of states that have enacted laws restricting use of CAAPs has continued to grow since West Virginia passed the first law of its kind in 2019. To-date, 21 states, DC, and PR have passed laws that protect patient access (but laws in CO, DC, OR, and VT were not yet in effect in 2024).

“We were surprised to find so many insurers still applying CAAPs, especially in states that have had laws in effect since 2019,” stated Stephanie Hengst, Manager for Policy & Research at The AIDS Institute.

Rachel Klein said that The AIDS Institute is working with state departments of insurance to make them aware of the insurers and PBMs that are out of compliance with state laws and regulation. “It is imperative that insurance regulators take action; people are struggling to afford their life-saving medications, and are continuing to be taken advantage of by for-profit insurance companies and PBMs.”

The full analysis can be found here: <https://www.theaidsinstitute.org/copays/tai-2024-caap-report>

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*The AIDS Institute is a national non-partisan, nonprofit organization that promotes action for social change through public policy, research, advocacy and education.*

For more information and to become involved, visit [www.TheAIDSInstitute.org](http://www.TheAIDSInstitute.org) or write to us at [Info@theaidsinstitute.org](mailto:Info@theaidsinstitute.org), and follow The AIDS Institute on Twitter @AIDSAdvocacy and Facebook at [www.facebook.com/The-AIDS-Institute](http://www.facebook.com/The-AIDS-Institute)