



Patient and Provider Groups Again Disappointed by 2025 Notice of Benefit and Payment Parameters Final Rule

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WASHINGTON, DC – April 5, 2024 – Patient and provider groups were disappointed this week as the U.S. Department of Health and Human Services’ (HHS) [final 2025 Notice of Benefit and Payment Parameters \(NBPP\)](#) failed to announce the agency’s enforcement of and support for the 2020 NBPP provision requiring copay assistance to count towards patient cost-sharing.

A [recent ruling](#) from the United States District Court for the District of Columbia ensured that the 2020 NBPP rule on cost-sharing is in full effect, requiring insurers to count copay assistance towards patient cost-sharing, effectively disallowing the use of accumulator adjustors. However, HHS has yet to enforce this ruling's decision by issuing guidance to issuers on how to comply.

While disappointed in this decision, members of the All Copays Count Coalition were pleased that the finalized 2025 NBPP ruling codifies a longstanding Centers for Medicare & Medicaid Services (CMS) policy that all prescription drugs covered by a health plan are considered essential health benefits (EHBs). The All Copays Count Coalition applauds this EHB provision which limits the use of maximizers and provides more certainty for patients seeking to access the medicines they need. We strongly support that HHS will further address the EHB loophole in a forthcoming rule with Labor and Treasury Departments that will ensure this rule applies to all non-grandfathered health insurance plans.

“We are glad to see much-needed progress on clarifying essential health benefits to protect patients’ access to needed treatments. Closing the so-called “EHB loophole” is a crucial step to ensure that all copayments toward covered prescription drugs are counted,” said Rachel Klein, deputy executive director of The AIDS Institute

To ensure a more permanent solution and ensure all patient copays count, the All Copays Count Coalition continues to encourage Congress to pass the bipartisan HELP Copays Act. The All Copays Count Coalition members will continue to urge HHS to follow the court’s recent decision and issue guidance to issuers on how to comply with the NBPP 2020 rule.

About the All Copays Count Coalition

The All Copays Count Coalition (ACCC) is comprised of members serving the interests of beneficiaries with chronic and serious health conditions that rely on copay assistance in various forms to make medically necessary drug treatments affordable. The coalition provides

information about the harmful effects of pricing schemes, known as “copay accumulators and maximizers,” on access to prescription drugs for people with chronic and serious health conditions.