

March 2, 2020

The Honorable Seema Verma, Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-9916-P  
Mail Stop C4-26-05  
7500 Security Boulevard  
Baltimore, MD 21244-1850

RE: Comments to Proposed Rule—Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2021; Notice Requirement for Non-Federal Governmental Plans (CMS-9916-P)

Dear Administrator Verma:

The diaTribe Foundation is grateful for the opportunity to submit comments in response to the proposed Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2021.

The mission of the diaTribe Foundation is to improve the lives of people with diabetes and prediabetes, and to advocate for action. We are writing to express our concern about the recently proposed Notice of Benefit and Payment Parameters for 2021 (NBPP Proposed Rule). Specifically, we object to a proposed change under the NBPP Proposed Rule that would expressly allow insurers to exclude drug manufacturers' copays, or discount coupons, from counting toward peoples' annual deductibles. These discount coupons are known as "cost sharing," but the NBPP proposed rule would define "cost sharing" as *excluding* "expenditures covered by drug manufacturer coupons."

Fundamentally, this means that many people will pay more money for their medications. This is particularly true for individuals with chronic conditions such as diabetes, which is why we are expressing our strong opposition to this part of the NBPP Proposed Rule.

For anyone with diabetes, medications are essential but also expensive. To offset the expense of these medications, people rely on discount coupons from drug manufacturers. The coupons not only lower the immediate cost of the medication but its *full price* counts toward the person's annual deductible. This is critical, of course, because the sooner the deductible is reached, the sooner the insurer will cover the cost of subsequent medication purchases.

Discount coupons are critically valuable, especially given the chronicity of diabetes – or any chronic condition. Millions of people rely on them to mitigate the unrelenting financial burdens of a medical condition that they must live with each day. Absent those discount coupons, people who cannot afford their medication must either use inferior treatment options – medications that do not best meet their needs – or in extreme cases, go without their medications entirely. In the diabetes world, this phenomenon, tragically, has been well documented in the press and even in Congressional hearings: people who could not afford insulin, and then tried to ration it or do without, have died.

At a time when CMS and HHS are trying to increase the affordability and access to all medications, the NBPP Proposed Rule would do the exact opposite. If passed, insurers would be allowed to avoid counting the amounts from discount coupons toward peoples' annual deductibles. That would represent an added financial burden on people and – with less access to medications – the proposed rule will harm people and impose even greater costs on the health care system.

We urge CMS and the Department of Health and Human Services to join us in placing peoples' health, survival, and well-being first and ensuring that discount coupons are counted toward annual deductibles.

Respectfully,

The diaTribe Foundation

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