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## ADAP Advocacy Association Joins Amicus Brief to Protect Patients

### *Amicus Brief filed in suit to end policy that prohibits copay assistance from counting toward patients' out-of-pocket spending*

For Immediate Release:  
February 23, 2023

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WASHINGTON, D.C. – The ADAP Advocacy Association today announced it joined 29 patient, provider, and consumer organizations representing a wide range of illnesses and health conditions filing an amicus brief in support of a case brought against the U.S. Department of Health and Human Services by the [HIV+Hepatitis Policy Institute](#), the [Diabetes Leadership Council](#), the [Diabetes Patient Advocacy Coalition](#), and three patients.

Summarized **ADAP Advocacy Association's CEO, Brandon M. Macsata:** "Today's lexicon outside healthcare policy discussions probably doesn't include the words, co-pay accumulators. But that is slowly changing as more and more people encounter what is widely recognized as an extremely anti-patient health insurance policy. Co-pay accumulators amount to nothing more than the greedy health insurance industry...and other payers...making prescription drug coverage less affordable for patients, especially for those living with chronic health conditions such as HIV/AIDS."

According to the suit's plaintiffs, "the lawsuit challenges the federal 2021 Notice of Benefit and Payment Parameters rule, which allows health insurers to avoid counting the value of drug manufacturer copay assistance toward patients' out-of-pocket cost obligations. Plaintiffs recently filed a motion for summary judgment, asserting that the rule violates cost-sharing requirements mandated by the Affordable Care Act and is also arbitrary and capricious."

A copy of the amicus brief is available online:  
[hivhep.org/wp-content/uploads/2023/02/Aimed-Alliance-amicus-brief.pdf](http://hivhep.org/wp-content/uploads/2023/02/Aimed-Alliance-amicus-brief.pdf).

A copy of the original complaint is also available online:  
[hivhep.org/wp-content/uploads/2022/08/CMS-Accumulator-Rule-HIV- -Hep-Policy-Inst.-Complaint-8\\_25-clean.pdf](http://hivhep.org/wp-content/uploads/2022/08/CMS-Accumulator-Rule-HIV- -Hep-Policy-Inst.-Complaint-8_25-clean.pdf)

To learn more about the ADAP Advocacy Association, AIDS Drug Assistance Programs, or the copay accumulator amicus brief, please email [info@adapadvocacy.org](mailto:info@adapadvocacy.org).

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**About the ADAP Advocacy Association:** The ADAP Advocacy Association's mission is to promote and enhance the AIDS Drug Assistance Programs (ADAPs) and improves access to care for persons living with HIV/AIDS. **aaa+**<sup>®</sup> works with advocates, community, health care, government, patients, pharmaceutical companies and other stakeholders to raise awareness, offer patient educational programs, and foster greater community collaboration.