

APPENDIX: PRESCRIPTION DRUG OUT-OF-POCKET COSTS

STATE	Deductible Protection		Per Rx Protection		Standardized Plan Designs	Separate Annual Rx Limit	Ban on Accumulator Adjustment Programs	Total Number of Protections	Overall Grade	Statutes
	No Rx Deductible	Separate Rx Deductible	Cost-Sharing Cap	Fixed Copays						
AL	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
AK	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
AZ	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	HB 2166 (2019)
AR	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	HB 1569 (2021)
CA	N/A	Yes	Yes; \$250/\$500 per drug cap per month, post-deductible.	N/A	Yes (all plans)	N/A	N/A	3	A	AB 339 (2015)
CO	Yes; for at least 25 percent of plans.	N/A	Yes; Copay cannot be higher than 1/12th of the annual maximum out-of-pocket for a single drug.	Yes; No fewer than 25 percent of the plans offered for each metal level (Platinum, Gold, Silver and Bronze) must contain a copayment-only payment structure at all drug tiers.	Yes (some plans)	N/A	N/A	4	A	Bulletin B4.82 4-2-58 Final Rule (2021)
CT	N/A	Yes	Yes; Cost-sharing amount shall not exceed 50 percent of plan benefits.	N/A	Yes (some plans)	N/A	Yes	4	A	Bulletin HC-154 (2018) SB 1003 (2021) Access Health CT
DE	N/A	N/A	Yes; \$150 cap per prescription drug, post-deductible.	N/A	Yes	N/A	Yes	3	A	SB 35 (2013) SB 267 (2022)
DC	N/A	Yes	Yes; \$150 cost-sharing limit per speciality drug, post-deductible.	N/A	Yes (some plans)	N/A	N/A	3	A	B21-0032 (2017) DC Standard Plans 2022
FL	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
GA	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	SB 313 (2020)
HI	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
ID	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	F	N/A

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IL	N/A	N/A	N/A	Yes; Flat dollar copayment structure to the entire drug benefit, pre-deductible. (Effective January 1, 2023)	Yes	N/A	Yes	3	A	PA 101-452 (2019) HB 1745 (2021)
IN	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
IA	N/A	N/A	N/A	N/A	Yes	N/A	N/A	0	C	N/A
KS	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
KY	N/A	N/A	N/A	N/A	N/A	N/A	Yes	1	C	SB 45 (2021)
LA	N/A	N/A	Yes; \$150 cap per prescription drug per month, post-deductible.	N/A	Yes	N/A	Yes	3	A	SB 165 (2014) SB 94 (2021)
ME	N/A	N/A	N/A	N/A	Yes (some plans)	\$3,500	Yes	3	A	Maine Insurance Code
MD	N/A	N/A	Yes; \$150 cap per prescription per month, post-deductible.	N/A	N/A	N/A	N/A	1	C	HB 761 (2014)
MA	N/A	Yes	N/A	Yes	Yes (some plans)	N/A	N/A	3	A	MA Health Connector
MI	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
MN	N/A	N/A	Yes; Copay cannot be higher than 1/12th of the annual maximum out of pocket for an individual.	Subset of individual and small group health plan offers to include pre-deductible flat copayment on prescription drugs.	N/A	N/A	N/A	2	B	SF 365 (2022) SF 3472 (2022)
MS	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
MO	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A

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MT	Yes	N/A	N/A	Yes; Each insurer is required to offer at least one plan with pharmacy benefits that are fixed dollar co-payments.	Yes	N/A	N/A	3	A	SB 335 (2019)
NE	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
NV	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	F	N/A
NH	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
NJ	N/A	Yes; Limited to \$250 for formulary and \$250 for non-formulary drugs.	Yes; \$150/\$250 cap per prescription per month, pre-deductible cap for 25 percent of plans.	N/A	Yes; Only allows non-standardized plans for catastrophic coverage.	N/A	N/A	3	A	A 2431 (2020) NJ Insurance Code
NM	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	HB 100 (2020)
NY	N/A	N/A	Yes; No speciality tiers.	Yes; Standard benefit design limits co-payments per tier and metal level.	Yes (some plans)	N/A	N/A	3	A	S. 5000 (2010)
NC	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	SB 257 (2021)
ND	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
OH	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
OK	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	SB 92/HB 2678 (2021)
OR	N/A	N/A	N/A	N/A	Yes (some plans)	N/A	N/A	1	C	OR Standardized Health Benefit Plan Summary
PA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	F	PA 101-452 (2019)
RI	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	F	N/A
SC	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
SD	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
TN	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	HB 619 (2021)
TX	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
UT	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A

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VT	N/A	Yes	N/A	N/A	Yes (some plans)	Yes	N/A	3	A	H.559 (2012)
VA	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	H 2515 (2019)
WA	N/A	N/A	N/A	N/A	Yes (some plans)	N/A	Yes	2	B	SB 5526 (2019) SB 5610 (2022)
WV	N/A	N/A	N/A	N/A	Yes	N/A	Yes	2	B	HB 2770 (2019)
WI	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A
WY	N/A	N/A	N/A	N/A	Yes	N/A	N/A	1	C	N/A

RUBRIC - PRESCRIPTION DRUG OUT-OF-POCKET COSTS

GRADE	Out-of-Pocket Protections
A	State has at least three or more out-of-pocket protections in state-regulated insurance markets.
B	State has at least two out-of-pocket protections in state-regulated insurance markets.
C	State has at least one out-of-pocket protection in state-regulated insurance markets.
D	N/A
F	State has no out-of-pocket patient protections in state-regulated insurance markets.

Prescription Drug Out-of-Pocket Cost Sources:

- 1) State Access to Innovative Medicines (SAIM) Coalition. "Legislation by State." <https://www.saimcoalition.org/saim-legislation-by-state/>
- 2) Kai Yeung, Pharm.D., Ph.D.; Douglas Barthold, Ph.D.; Stacie B. Dusetzina, Ph.D.; and Anirban Basu, Ph.D.; The New England Journal of Medicine, "Patient and Plan Spending after State Specialty-Drug Out-of-Pocket Spending Caps" August 2020. <https://www.nejm.org/doi/pdf/10.1056/NEJMsa1910366>
- 3) Gabriela Dieguez; Jennifer Carioto; and Sally Maraldo; Milliman, Inc.. "Comparing policies that limit pharmacy out-of-pocket expenses in the commercial fully-insured market." September 2020. <https://www.medinsight.milliman.com/-/media/milliman/pdfs/2020-articles/articles/comparing-policies-limit-pharmacy-out-of-pocket-expenses-9-20v3.ashx>
- 4) Sabrina Corlette; Chiquita Brooks-LaSure; State Health and Value Strategies (SHVS). "Standardizing Health Plan Benefit Design in the Individual Market: Opportunities and Implications." November 2019. <https://www.shvs.org/wp-content/uploads/2019/10/Standardized-Health-Plan-Benefit-Design-in-the-Individual-Market.pdf>
- 5) Sabrina Corlette; Ashley Williams; and Justin Giovannelli; The Commonwealth Fund. "State Efforts to Reduce Consumers' Cost-Sharing for Prescription Drugs." November 2015. <https://www.commonwealthfund.org/blog/2015/state-efforts-reduce-consumers-cost-sharing-prescription-drugs>