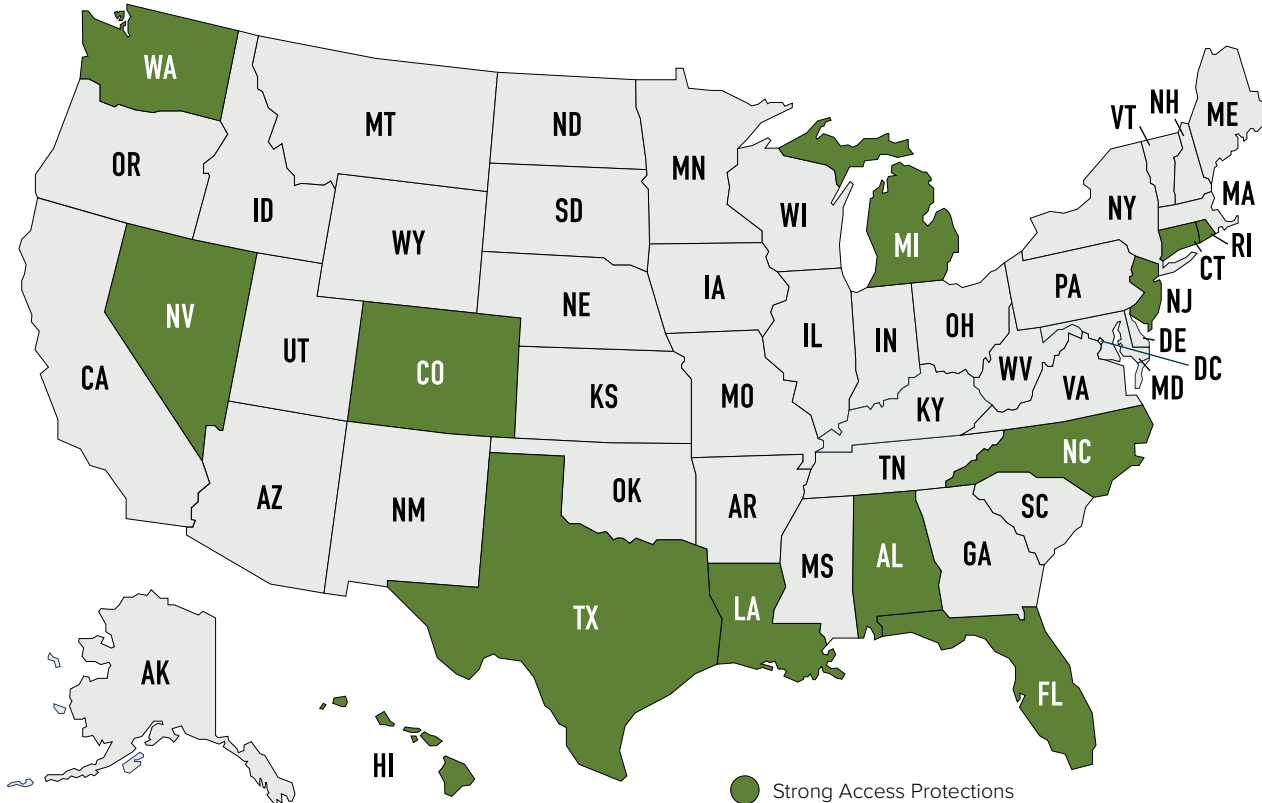


State-by-State Progress for Patients

Either via statute or regulation, some states provide people living with HIV (PLWH) and people who would benefit from PrEP (PWBP) with all or some open access protections to antiretroviral (ARV) medications. State-by-state progress is essential to keep individuals and communities healthy, reduce inequities, and move the nation closer to ending the HIV epidemic.

State ARV Protections in Medicaid Programs

13 states (AL, CO, CT, FL, HI, LA, MI, NC, NV, NJ, RI, TX, & WA) have strong statutory or regulatory access protections for ARVs in Medicaid – i.e., class-based protections for ARVs or HIV/AIDS drugs that exempt such drugs from prior authorization (PA) or step therapy.



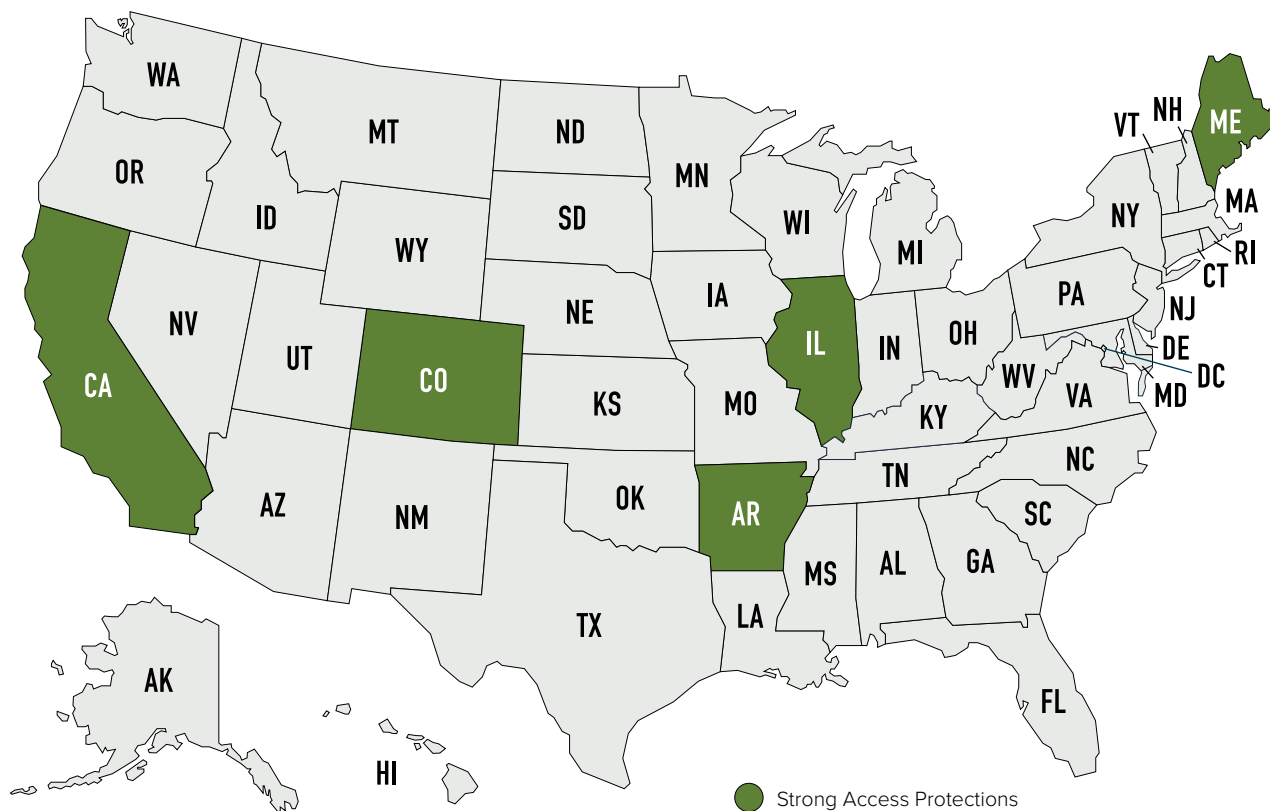
*13 states/territories have limited protections (CA, DC, IL, IO, MD, ME, NE, NY, ND, OK, OR, PA, VA), meaning the state/territory has comparatively less stringent access protections - e.g. protections from PA for refills only, requirements that states "consider" access protections for HIV/AIDS drugs, etc.

Open Access to ARVs is Essential

- ✓ At the federal level, the 6PC Policy in Medicare Part D ensures PLWH have access to all HIV medicines without the burden of prior authorization or step therapy.
- ✓ State ARV protections in Medicaid programs and commercial plans will help ensure open access to life-saving medications for PLWH and PWBP.
- ✓ On the state-level, Open Access means unrestricted access to all FDA-approved HIV medicines - without the burden of prior authorization or step therapy.

State ARV Protections in Commercial Plans

5 states (AR, CA, CO, IL, ME) have strong statutory or regulatory access protections for ARVs in the commercial health insurance market – i.e. class-based protections for ARVs or HIV/AIDS drugs that exempt such drugs from prior authorization (PA) or step therapy.



*11 states have limited protections (AZ, DC, MA, MD, NE, NV, NY, OR, RI, TX, WI), meaning the state/territory maintains less stringent access protections for commercially insured patients - e.g. narrower limitations on PA and/or step therapy, coverage parity for HIV/AIDS drugs for other conditions, etc.

Model ARV Access Protection Language

Section 1: Medicaid

- (a) Drugs prescribed for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), including, but not limited to, all FDA-approved antiretrovirals, shall not be subject to a prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.
- (b) This section applies to drugs being provided under a contract between the [MEDICAID PROGRAM] and a managed care organization or health maintenance organization.

Section 2: Commercial Plans

- (a) A [PRIVATE PAYER], pharmacy benefit manager, or other [UTILIZATION REVIEW AGENT] shall not subject drugs prescribed for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), including, but not limited to, all FDA-approved antiretrovirals, to a prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.