

Prescription Drug Affordability Boards: **A Violation of the ADA?**

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities

in everyday activities. **The ADA prohibits discrimination** on the basis of disability just as other civil rights laws prohibit discrimination on the basis of race, color, sex, national origin, age, and religion.

The ADA guarantees that people with disabilities have the **same opportunities** as everyone else to enjoy employment opportunities, **purchase goods and services**, and **participate in state and local government programs**.



State Prescription Drug Affordability Boards (PDABs) might be impacting access to medications for potentially disabling conditions, **potentially violating the ADA**.

PDABs in Colorado, Maryland, Oregon, and Washington are disproportionately targeting medications used to treat conditions highly likely or likely to be classified as disabilities under the ADA. This raises concerns about potential disparate impact and **the need for PDABs to ensure their practices comply with the ADA**.

THE FOLLOWING TABLE SUMMARIZES THE KEY DATA POINTS FROM OUR ANALYSIS:

State	Total Drugs Eligible	HIGHLY LIKELY	LIKELY	Total Potentially Disabling	% Potentially Disabling	% HIGHLY LIKELY	% LIKELY
CO-E	343	306	28	334	97.4%	89.2%	8.2%
MD	8	3	5	8	100%	37.5%	62.5%
OR	39	24	15	39	100%	61.5%	38.5%
WA	188	94	68	162	86.2%	50.0%	36.2%

ACROSS ALL STATES, THE MOST FREQUENTLY TARGETED CONDITION CATEGORIES INCLUDE:

① HIV

Every state included **at least one HIV antiretroviral** in their initial review and selection.

② Cancer:

A primary focus in **Colorado (35.9%)** and a secondary focus in **Oregon** and **Washington**.

③ Genetic Disorders:

A primary focus in **Colorado (14.9%)** and a secondary focus in **Oregon**.

④ Autoimmune Disorders:

A primary focus in **Colorado (11.4%)** and **Oregon (25.6%)** and a secondary focus in **Maryland** and **Washington**.

⑤ Endocrine Disorders:

A primary focus in **Maryland (50%)** and **Oregon (10.3%)** and a secondary focus in **Colorado** and **Washington**.

These categories encompass numerous conditions with a **high likelihood of being classified as disabilities under the ADA**.