



March 6, 2018

Tim Boyd, MPH
Director of State Policy
tboyd@rarediseases.org

Members, Joint Committee on Judiciary
Legislative Office Building, Room 2500
Hartford, CT 06106

Re: Support for Senate Bill 398 (Step Therapy)

Dear Chairman Doyle, Chairman Kissel, and Members of the Joint Committee on Judiciary:

On behalf of the 1-in-10 people in Connecticut living with a rare disease, the National Organization for Rare Disorders (NORD) urges the committee to support SB 398, an act relating to the enforcement of Connecticut's step therapy law (Public Act No. 14-118). This legislation will help ensure proper implementation of the state's step therapy protections by creating new financial penalties for insurers that are out of compliance with the law. With your support, better enforcement of this law will benefit the numerous patients suffering from rare disorders in Connecticut.

NORD is a unique federation of voluntary health organizations dedicated to helping people with rare "orphan" diseases and assisting the organizations that serve them. We are committed to the identification, treatment, and cure of rare disorders through programs of education, advocacy, research, and patient services. NORD believes strongly that every patient deserves the medical care that is best suited for their medical situation and that will give them the best results. Based on the reports we receive from our patient community, step therapy policies that violate enacted patient protections are still being applied by health plans in Connecticut with little regard for a patient's treatment history and specific medical needs.

As background, step therapy is a procedure by which insurers (public or private) require a patient to take one or more alternative medications before being put on the medicine preferred by their provider. While this is done by insurers as an attempt to control health care costs, it has been increasingly applied to patients with little regard to their medical situation or treatment history. As a result, in many cases, these requirements can delay appropriate treatment and ultimately increase costs, not lower them.

As the use of step therapy has increased (at least 60 percent of commercial health plans have implemented it)¹, so has the need for states to ensure that these requirements do not needlessly interfere with appropriate care for patients. For instance, in some cases, patients switching

¹ Pharmaceutical step therapy interventions: a critical review of the literature. J Manag Care Pharm. 2011 Mar;17(2):143-55.



insurance plans may be required to stop taking a successful treatment and start taking a less effective medicine, simply because it is less expensive.

Connecticut's 2014 step therapy law (Public Act No. 14-118) addressed this issue by providing new protections for patients when health plans implements step therapy policies. First, the law required that step therapy be based on medical criteria and clinical guidelines developed by independent experts. Second, it required the creation of simple and accessible appeals process for patients and providers. Finally, it allowed patients to be exempted from step therapy completely based on a proven medical need. However, even with these protections in place, health insurers in CT are still applying step therapy to many patients in a manner that may be in violation of state law.

To ensure patient safety, Connecticut needs to ensure that fail first policies do not interfere with appropriate care. By implementing the penalties created in SB 398, the Committee will be protecting patients while still enabling health plans to achieve the cost saving benefits of step therapy when it is appropriate.

Thank you again for the opportunity to comment on this legislation. If NORD can supply additional information, please do not hesitate to let me know. I can be reach directly at (202) 545-3830 or via email at tboyd@rarediseases.org.

If you have further questions, please feel free to contact me directly.

Sincerely,

Tim Boyd, MPH
Director of State Policy