



May 21, 2018

The Honorable Senator Burke
Chair, Committee on Health, Human Services and Medicaid
Statehouse, Room 201
Columbus, OH 43215

Dear Chairman Burke:

On behalf of the 1-in-10 Ohioans with one of the 7,000 known rare diseases, the National Organization for Rare Disorders (NORD) thanks the Committee for the opportunity to provide comments on Senate Bill 56, bipartisan legislation to improve step therapy protocols.

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 member organizations and individuals, step therapy policies (also known as fail first) are increasingly being applied by health plans in Ohio with little regard for a patient's treatment history and specific medical needs.

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

SB 56 would address this issue by providing new protections for patients when health plans implement fail first policies. First, this legislation would require that step therapy be based on medical criteria and clinical guidelines developed by independent experts. Second, it would create a simple and accessible appeals process for patients and providers. Finally, it would

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



specify the conditions under which it is medically appropriate to exempt patients from step therapy.

In order to guarantee patient safety, Ohio needs to ensure that fail first policies do not interfere with appropriate care and join the growing list of 17 states that have enacted similar step therapy legislation, including, Indiana, West Virginia, Arkansas, New Mexico, Texas, and Minnesota. By implementing the protections created in SB 56, the Committee will be protecting patients while still enabling health plans to achieve the cost-saving benefits of step therapy when appropriate.

Thank you for the opportunity to comment on this legislation. If NORD can supply additional information, please do not hesitate to let us know.

Sincerely,

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