



April 12, 2019

Representative Joe Sanfelippo, Chair  
Assembly Committee on Health  
Wisconsin State Legislature  
State Capitol  
Madison, WI 53708

Senator Patrick Testin, Chair  
Senate Committee on Health and Human Services  
Wisconsin State Legislature  
State Capitol  
Madison, WI 53708

**Re: AB 24/SB 26**

Dear Chairmen Sanfelippo and Testin:

On behalf of the 1-in-10 individuals in Wisconsin with one of the over 7,000 known rare diseases, the National Organization for Rare Disorders (NORD) urges you to support AB 24/SB 26, bipartisan legislation that would put in place incredibly important patient protections pertaining to 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 all patients deserve the medical care that is best suited for their medical situation and will give them the best results. Based on the reports we receive from member organizations and individuals, step therapy (also known as fail first) is increasingly being applied by health plans in Wisconsin 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 patients 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 can often be applied inappropriately, without consideration of the clinical practicalities. 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, 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 medicine that they have already failed on simply because the step therapy protocol does not take into account whether a patient has failed a medicine while covered by another insurer.

AB 24/SB 26, sponsored by State Representative John Nygren and State Senator Alberta Darling, 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 protocols be



based on medical criteria and clinical guidelines developed by independent experts. Second, it would require insurers to have a simple and accessible process for patients and providers to request exemptions. Finally, it would specify certain conditions under which it is medically appropriate to exempt patients from step therapy and require insurers to grant or deny exemption requests within a specified timeframe.

In order to guarantee patient safety, Wisconsin needs to ensure that step therapy policies do not interfere with appropriate care. By implementing the protections created in AB 24/SB 26, your Committees will be protecting patients while still enabling health plans to achieve the cost-saving benefits of step therapy when appropriate.

Thank you for your consideration.

Sincerely,

Tim Boyd,  
Director of State Policy

Danyelle Sun,  
Wisconsin Rare Action Network Volunteer State Ambassador