



May 12, 2020

Dear Members of the South Dakota Federal Congressional Delegation:

We represent an expansive and diverse group of patients and health care providers in South Dakota who share a common goal of improving the health of patients across the country. Today we write to express our support for federal step therapy reform legislation, which would ensure that patients with serious diseases, such as cancer, epilepsy, and diabetes, are able to access the medications they need without having to try another medicine and be forced to “fail first.”

This practice, commonly referred to as “fail first” or “step therapy,” is used by health insurers to force patients to try medications that insurance companies choose, requiring the patient to “fail first” before gaining access to the medicine originally prescribed by their health care provider. This insurance practice undermines a doctor’s ability to appropriately treat patients with serious diseases and can greatly impede patient recovery.

The spread of COVID-19 has dramatically revealed the negative impact of utilization management on the health of patients. Patients not suffering from COVID-19 continue to face long waits, even longer now, for their treatments. These longer waits are, in large part, due to the dramatic changes healthcare providers are experiencing in their day-to-day operations as a result of COVID-19. Forcing doctors to continue navigating the hurdles of utilization management while facing the unprecedented challenges of COVID-19 places undue hardship on them at a time when we should instead be eliminating barriers and supporting their ability to provide uncompromised care for all patients, COVID and non-COVID alike. As coronavirus patients flood our country’s emergency rooms, it is more important than ever to avoid the need for additional medical interventions that could be prevented with appropriate and timely care.

Recently, under bipartisan leadership in South Dakota, our state passed legislation to reform and limit the practice of step therapy by health insurers, thereby helping to get the right medicines to patients faster. In fact, South Dakota is not alone. Nearly 30 other states have passed similar laws to limit or reform step therapy practices by health insurers, and many more are considering related legislation. While these states are making great progress in protecting patients with state-regulated plans, more needs to be done at the federal level to close the gap for those South Dakotans on federally regulated plans.

Members of the House and Senate introduced federal step therapy reform legislation. H.R. 2279, the Safe Step Act, was introduced in the U.S. House of Representatives by two physicians, Congressman Brad Wenstrup (R-OH) and Congressman Raul Ruiz (D-CA). The Senate version, S. 2546, is sponsored by Lisa Murkowski (R-AK) and Doug Jones (D-AL). The House bill currently has 137 cosponsors and the Senate bill has 13 cosponsors.

We ask for your support of federal step therapy reform legislation as a fair and balanced way to put health care providers and patients back in charge of their health care. It is a common-sense solution that establishes reasonable reforms and limits on step therapy practices and ensures that a health care provider’s professional judgment and a thorough review of a patient’s history are part of a successful health care equation.

On behalf of our members, which includes patients, physicians, and other health care providers, we thank you for your review and consideration of federal step therapy reform legislation and respectfully request your affirmative support. The negative impact utilization management has had on the health of patients has called for a reform for several years. Today, in the era of COVID-19, the need for reform is even more urgent.

Sincerely,

South Dakota Patient and Provider Organizations for Step Therapy Reform