

APPENDIX: STEP THERAPY (FAIL FIRST)

STATE	State Exchanges	Medicaid	State Employee Plans	Contraindicated	Ineffective	Tried & Failed	Best Interest	Stable	Category Grade	Exceptions Process	Who	Exceptions Process Grade	Based on Clinical Practice	Clinical Practice Grade	Timeline (Y/N)	Emergency Timeline	Non-emergency Timeline	Timeline Grade	Rulemaking	Guidance	Overall Grade	Year Passed	Citation
AL	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
AK	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
AZ	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Provider	B	Yes	A	Yes	24 hours	72 hours	A	No	No	A	2021	SB 1270
AR	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2021	SB 99
	No	Yes	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2021	SB 446
CA	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	No	No	A	2021	AB 347
CO	Yes	No	No	No	No	Yes	No	No	D	No	N/A	F	No	F	No	N/A	N/A	F	No	No	F	2017	SB 17N/A203
CT	Yes	No	Yes	Yes	Yes	Yes	Yes	No	B	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	C	2015	SB 394
	No	Yes	No	Yes	Yes	Yes	Yes	No	B	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	C	2013	HB 6705
DE	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	2 business days	A	No	No	A	2019	HB 105
DC	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
FL	Yes	No	Yes	No	No	Yes	No	No	D	No	N/A	F	No	F	No	N/A	N/A	F	No	No	F	2019	S 12
GA	Yes	No	Yes	Yes	Yes	Yes	No	Yes	B	No	N/A	F	No	F	Yes	24 hours	2 business days	A	No	No	C	2019	HB 63
HI	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
ID	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
IL	Yes	No	Yes	Yes	Yes	Yes	No	Yes	B	Yes	Patient and Provider	A	No	F	Yes	24 hours	72 hours	A	No	No	B	2016	HB 3549
IN	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient	A	No	C	Yes	1 business day	3 business days	B	No	No	B	2016	SB 41
IA	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	72 hours	5 calendar days	C	No	No	A	2017	HF 233
KS	No	Yes	No	Yes	Yes	Yes	No	Yes	B	Yes	Provider	B	No	C	Yes	72 hours	72 hours	C	Yes	No	B	2016	SB 402
KY	Yes	No	Yes	Yes	Yes	Yes	No	No	C	Yes	Provider	B	No	C	Yes	48 hours	48 hours	B	No	No	B	2012	SB 114
LA	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Provider	B	Yes	A	Yes	24 hours	72 hours	A	No	No	A	2020	HB 263
	No	Yes	No	Yes	Yes	Yes	No	No	C	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	C	2013	HB 393
ME	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours or 2 business days	A	Yes	No	A	2019	L.D. 1009
MD	Yes	No	Yes	No	No	No	No	Yes	D	Yes	Provider	B	No	C	No	N/A	N/A	F	Yes	No	C	2014	HB 1233
MA	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
MI	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
MN	N/A	Yes	N/A	No	No	Yes	No	No	D	No	N/A	F	Yes	F	No	N/A	N/A	F	No	No	F	2019	SF 12
	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	72 hours	5 days	C	No	No	A	2018	HF 3196

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MS	Yes	No	No	Yes	Yes	Yes	No	No	C	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	C	2011	SB 2737
MO	Yes	No	No	No	No	Yes	No	No	D	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	C	2016	HB 2029
MT	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
NE	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	72 hours	5 days	C	Yes	N/A	C	2021	LB 337
NV	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
NH	Yes	No	No	No	No	No	No	No	F	No	N/A	F	No	F	No	N/A	N/A	F	No	No	F	N/A	N/A
NJ	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
NM	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	B	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2018	SB 0011
NY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	A	No	N/A	F	Yes	F	Yes	24 hours	72 hours	A	Yes	Yes; FAQ	C	2016	A02834
NC	Yes	No	No	Yes	Yes	Yes	No	No	C	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	No	No	A	2020	SB 361
ND	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
OH	Yes	Yes	Yes	Yes	No	Yes	No	Yes	C	Yes	Provider	B	Yes	A	Yes	48 hours	10 days	C	Yes	No	B	2018	SB 265
OK	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2019	SB 509
OR	Yes	Yes	Yes	No	No	No	No	No	F	Yes	Provider	B	No	C	No	N/A	N/A	F	No	No	D	2014	HB 4013
PA	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
RI	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
SC	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
SD	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	72 hours	5 days	C	No	No	A	2020	SB 155
TN	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
TX	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Provider	B	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2017	SB 680
UT	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
VT	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A
VA	Yes	No	Yes	Yes	Yes	Yes	No	Yes	B	Yes	Patient and Provider	A	Yes	A	Yes	24 hours	72 hours	A	Yes	No	A	2019	HB 2126
WA	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	Yes	A	Yes	1 business day	3 days	B	Yes	Yes	A	2019	HB 1879
WV	Yes	No	No	Yes	Yes	Yes	Yes	Yes	A	Yes	Patient and Provider	A	No	C	No	N/A	N/A	F	No	No	B	2017	HB 2300
WI	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	A	Yes	Provider	B	Yes	A	Yes	Next business day	3 days	B	Yes	No	A	2019	SB 26
WY	No	No	No	N/A	N/A	N/A	N/A	N/A	F	N/A	N/A	F	N/A	F	N/A	N/A	N/A	F	N/A	N/A	F	N/A	N/A

RUBRIC- STEP THERAPY (FAIL FIRST)

GRADE	Based on Clinical Practice	Timeline	Exceptions Process	Categories of Exceptions
A	The state mandates a step therapy protocol process based off of clinical practice.	The state mandates a timeline of 72 hours for non-emergency situations and 24 hours for emergency situations.	The state mandates a clear exception process for patient and provider.	The state step therapy protocols mandate 5 exceptions including: (1) The required Rx drug is contraindicated or will likely cause an adverse reaction, or physical or mental harm to the patient; (2) The required Rx drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the Rx drug regimen; (3) The patient has tried the required Rx drug while under their current or a previous health insurance or health benefit plan, or another Rx drug in the same pharmacologic class or with the same mechanism of action and such Rx drug was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event; (4) The required Rx drug is not in the best interest of the patient, based on medical necessity; (5) The patient is stable on a Rx drug selected by their health care provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan.
B	N/A	The state mandates a timeline of 5 calendar days (or no more than 3 business days) for non-emergency situations and 48 hours (or 1 business day) for emergency situations.	The state mandates a clear exception process for provider.	The state step therapy protocols mandate at least 4 of the 5 exceptions above.
C	The state mandates a step therapy protocol process not based off of clinical practice.	The state mandates a timeline of 5 days (or 3 business days) or longer for non-emergency situations/longer than 48 hours (or 1 business day) for emergency situations.	The state mandates an exception process.	The state step therapy protocols mandate at least 3 of the 5 exceptions above.
D	N/A	N/A	N/A	The state step therapy protocols mandate at least 1 of the 5 exceptions above.
F	The state does not mandate a step therapy protocol process.	The state does not mandate a timeline in their step therapy protocols or no legislation exists.	The state does not mandate an exception process.	The state step therapy protocols mandate none of the 5 exceptions listed above.

Step Therapy Sources:

- 1) NORD Review of State Statutes and Administrative Code
- 2) State Access to Innovative Medicines (SAIM) Coalition “Legislation by State,” <https://www.saimcoalition.org/saim-legislation-by-state/>