NORD®
National Organization
for Rare Disorders

RARE
TN

March 1, 2022

The Honorable David B. Hawk
Chair
House Insurance Subcommittee
425 Rep. John Lewis Way N.
Suite 648 Cordell Hull Bldg.
Nashville, TN 37243

Re: Support for House Bill 677

Dear Chair Hawk and Members of the House Insurance Subcommittee:

On behalf of the 1-in-10 individuals living in Tennessee with one of the approximately 7,000 known rare diseases, the National Organization for Rare Disorders (NORD) thanks you for adding House Bill 677 (HB 677) to the House Insurance Subcommittee's meeting agenda. HB 677 would ensure that when step therapy is used in Tennessee, it is safe for patients, clinically grounded, and transparent to patients and health care providers.

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 should have access to comprehensive, accessible, and affordable health coverage that is best suited to their medical needs.

Step therapy is a tool used by insurers to control costs by requiring a patient to "fail first" on an alternative medication before being granted access to the medication that was originally prescribed by their provider. However, this process of prolonging ineffective treatment and delaying access to the right treatment – especially for patients living with serious or chronic illnesses – can lead to medical setbacks, disease progression, loss of function and even hospitalizations, which may ultimately lead to increased health care costs.

We ask for your support of legislation to allow patients better access to the most appropriate treatment for their condition. HB 677 would create a clear and expeditious exception and appeals process to step therapy protocols and protect patients from being forced to try, or stay on, a step therapy drug under certain conditions. For example, a patient would not be required to "fail first" on a drug when it is likely to cause an adverse reaction or physical or mental harm; is expected to be ineffective based on the patient's known clinical characteristics and known characteristics of the drug; has the same mechanism of action as a drug that previously has been ineffective in their current or previous health plan; or is not in the best interest of the patient, based on medical necessity. HB 677 would also require plans to affirm that step therapy exception requests will be resolved in a timely manner, consistent with Tennessee statutes for other utilization review appeals.

These changes outlined in HB677 will help protect patients whose conditions are well-controlled on a prescription from being required to try a new medication against their provider's recommendation.

It is important to note that HB 677 does not ban the use of step therapy. The common-sense protections that HB 677 will put in place simply ensure that step therapy protocols do not interfere with appropriate care for rare disease patients and families while still enabling health plans to achieve the cost saving benefits of step therapy, when appropriate.

On behalf of the Tennessee rare disease community, we once again thank you for bringing HB 677 before your Subcommittee for consideration and urge its swift passage. For questions regarding NORD or the above testimony please do not hesitate to contact me at AReed@rarediseases.org.

Thank you for your consideration.

Sincerely,

Annissa Reed

Annissa Reed
State Policy Manager, Eastern Region
National Organization for Rare Disorders

CC: Members of the House Insurance Subcommittee

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