

March 28, 2023

Senate Committee on Commerce and Labor

401 S. Carson St.
Carson City, NV

Dear Honorable Members of the Senate Committee on Commerce and Labor,

The undersigned, representing residents of Nevada, ask for your support of SB 194, sponsored by Senator Ohrenschall and encourage passage as introduced this legislative session.

Step therapy, also known as “fail first,” is a health insurance utilization management approach that restricts spending on prescription drugs by requiring patients to demonstrate that the payer-preferred product has been unsuccessful before receiving the treatment originally prescribed by their physician. All too often, step therapy significantly delays access to optimal therapy while exacerbating a patient’s condition. Nevada took the first step at limiting harmful step therapy with the passage of SB 290 in 2021 that exempts patients with stage 3 and 4 cancers from step therapy; this bill expands on the protections to create an exception process that is not disease-specific.

As systemic diseases are often associated with life-altering symptoms, timely access to care for the treatment of chronic illnesses is of critical importance. While we recognize need to reduce the cost of care while preserving quality, it is critical that such policies be developed and implemented in a way that does not undermine patient access. Requiring a patient to follow a Step Therapy protocol may have adverse and even dangerous consequences. The patient may not benefit from the ‘Fail First’ drug or series of drugs they are required to try or may suffer harm from taking an inappropriate drug. ‘Fail First’ procedures can take weeks and even months to prove failure. Physicians report that 92% of patients subject to insurance related delays in care experience negative health outcomes, and a recent study estimated that utilization management protocols such as step therapy cost the US health system \$93.3 billion annually.

This bill outlines clear and concise exceptions to the step therapy protocols based on medical necessity and provides a timeline for payers to grant or deny exception requests. This legislation, does not prohibit step therapy; it, strikes a fair balance between cost containment and health of the patient. To date, 36 states have passed legislation to ensure residents on state-regulated insurance plans have timely access to the care they need. We urge you to lead the way in making Nevada the 37th state to join this list.

SB 194 requires that step therapy protocols be based on clinical practice guidelines and implement a clear and convenient process to request a step therapy exception determination. We ask you to join the undersigned organizations in support of SB 194 to set in place these common-sense guardrails to the step therapy process.

Sincerely,

Crohn’s & Colitis Foundation
National Psoriasis Foundation

American Cancer Society Cancer Action Network
 Coalition of State Rheumatology Organizations
 Arthritis Foundation
 Nevada Oncology Society
 Association for Clinical Oncology
 National Hemophilia Foundation
 Epilepsy Foundation
 Nevada Society for Dermatology & Dermatologic Surgery
 Nevada Chronic Care Collaborative
 Alliance for Patient Access
 National Organization for Rare Disorders
 American Academy of Dermatology Association
 Lupus and Allied Diseases Association, Inc.
 Chronic Disease Coalition



State Advocates
Working Together
to Bridge the Gaps
in Chronic Care



Alliance for
Patient Access

