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Finance Committee  
Chair, Rules Committee

*Joint Committees*

Children, Youth, and Families  
Ending Homelessness  
Fair Practices and State Personnel Oversight  
Management of Public Funds

Chair, Prince George's County  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Joanne C. Benson**

**SB 952: Health Insurance- Requirements for Establishing Step Therapy Protocol and Requesting Exceptions**

Good afternoon Madam Chair and esteemed members of the Finance Committee. Senate Bill 952: Requirements for Establishing Step Therapy Protocol and Requesting Exceptions, reinforces exceptions for step therapy to protect patients from the harmful effects of being forced to fail first. Step therapy is an insurance protocol requiring patients to try and fail on a sequence of medications before being granted access to covered treatment prescribed by a patients' doctor. This causes a delay in access to necessary treatments and at times results in irreversible progression of disease and adverse effects for many with chronic diseases. It interferes with the doctor-patient relationship by placing prescribing power in the hands of the insurance company, rather than the doctor. It also increases an administrative burden for providers and their staff.

Senate Bill 952 **does not ban** step therapy. Instead, it offers a moderate, compromised solution by placing reasonable regulatory restraints on step therapy. In 2014, this committee passed legislation directing the Maryland Health Care Commission to create benchmarks for establishing an online process for overriding step therapy protocols and timelines for processing requests. This bill builds upon that success to strengthen those protections and bring Maryland's step therapy law in line with dozens of other states, including New York, Texas, Virginia, Ohio, Wisconsin, Georgia, and Maine.

Senate Bill 952 seeks to:

- Establish an exceptions process for patients if trying or staying on a medication that would create a significant barrier to compliance, worsen a comorbid situation, be contraindicated, or decrease a patient's ability to achieve or maintain reasonable function;
- Ensure step therapy protocols are based on widely accepted clinical guidelines so that medical expertise, not the rebate system, dictates utilization management;
- Unify timelines for granting or denying requests to override step therapy protocols;

- And protect patients whose conditions are well-controlled on a prescription from being required to try a new medication if step therapy protocols are added to the formulary at contract renewal.

We need to be about the business of helping and healing our Marylanders. Of providing them with the immediate access to medications that will allow our State to continue to sustain a healthy workforce, build loving families, and grant individuals the opportunity to have a long, fulfilling life. We should not subject people to jump through unnecessary hoops by trying numerous medications that are ineffective and that contradicts with their doctor's original prescribed medication for their patients.

You will hear from a number of advocates and physicians in support of this legislation today. In collaboration with many of the partners you worked with in 2014 to pass the first step therapy bill, we will be submitting amendments to preserve parts of existing law which are already protecting patients and to define utilization review. Those amendments will also make timelines for considering step therapy requests consistent with existing law for preauthorization requests. My fellow panel members are here to testify and answer any questions you may have.

Thank you and I respectfully request a favorable report on Senate Bill 952.