

**House Bill 785 Health Insurance – Step Therapy or Fail-First Protocol - Revisions**

House Health and Government Operations Committee

March 2, 2023

**Position: SUPPORT**

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates, and concerned citizens for unified action in all aspects of mental health, mental illness, and substance use. We appreciate this opportunity to present testimony in support of Houses Bill 785.

HB 785 recognizes the clinical reasons why a patient cannot or should not be prescribed certain drugs and requires insurance carriers to establish a process for requesting an exception to a step therapy protocol in certain circumstances based on the professional judgement of a prescriber. Current law only allows for step therapy to be overridden in very limited circumstances.

Step therapy in its current form results in patients not having access to necessary treatment in a timely manner and can result in worsened symptoms for patients. It directly undermines decisions made between a patient and their provider, through multiple interactions and discussions of care, due to an insurance company's red tape. <sup>1</sup> A 2010 study found the number of antidepressant days supplied and medication costs decreased after step therapy was implemented, but overall and mental health-specific inpatient and emergency room utilization and costs increased.<sup>2</sup> Step therapy can be incredibly difficult to navigate, as requirements vary across carriers and plans. A 2021 study found that across 17 of the largest commercial health plans in the United States, plans applied step therapy in 38.9% of drug coverage policies, with 34% consistent with clinical guidelines and 55.6% being more stringent.<sup>3</sup>

Insurance policies should maintain access to provider-recommended medications, and HB 785 is a step in the right direction. It allows for step therapy to be overridden in cases where following the required steps could cause harm or negatively impact a person's well-being. For this reason, MHAMD supports HB 785 and urges a favorable report.

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<sup>1</sup><https://nami.org/Advocacy/Policy-Priorities/Improving-Health/Medications-Step-Therapy>

<sup>2</sup><https://ajp.psychiatryonline.org/doi/10.1176/appi.ajp.2010.09060877>

<sup>3</sup><https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2021.00822>