



**Testimony on HB 785**  
**Health Insurance – Step Therapy or Fail-First Protocol - Revisions**  
House Health & Government Operations Committee  
March 2, 2023  
**POSITION: SUPPORT**

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers serving the mental health and addiction needs of vulnerable Marylanders. Our 110 members serve the majority of those accessing care through the public behavioral health system. CBH members provide outpatient and residential treatment for mental health and addiction-related disorders, day programs, case management, Assertive Community Treatment (ACT), employment supports, and crisis intervention.

There is a high correlation between non-adherence to drug regimens and utilization of high-cost care – such as emergency department visits or hospitalization - for individuals with serious mental health disorders treated with psychotropic medications. While various mental health drugs in a specific category may be equally efficacious, there is wide variability among those drugs as to their side effects, which may include liver damage, excessive weight gain, and sexual dysfunction. To the extent that consumers with serious mental health disorders do not have access to drugs whose side effects they can or will tolerate – due to step therapy or fail first protocols - there is a higher risk of non-adherence to the drug regimen.

HB 785 disallows the use of step therapy or fail-first protocols for prescription drugs used to treat an enrollee's mental disorder or condition. The stakes are very high for those with serious mental illness who may rapidly decompensate if they don't have access to medications that can stabilize their symptoms and improve their level of functioning. It can be very challenging to find the right mix and dosage of meds that work for any given individual. Requiring an enrollee to fail first on medications may result in hospitalization, job loss, and the loss of employer-based health insurance.

This is an important consumer protection bill. We urge a favorable report.

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