



**Alliance for
Patient Access**

February 28, 2023

The Honorable Joseline A. Pena-Melynk
Chair
Health and Government Operation
241 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

The Honorable Bonnie Cullison
Vice Chair
Health and Government Operations
241 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Support (FAV) for HB 785 – Improving Step Therapy Protocols

Dear Chair Pena-Melynk and Vice Chair Cullison:

On behalf of the Alliance for Patient Access (AfPA), I am writing in support of HB 785, as introduced. This legislation will protect the clinician-patient relationship by providing clear guidelines on the use of step therapy, one of the most common health insurer utilization management tools.

Founded in 2006, AfPA is a national network of policy-minded health care providers who advocate for patient-centered care. AfPA supports health policies that reinforce clinical decision making, promote personalized care and protect the clinician-patient relationship. Motivated by these principles, AfPA members participate in clinician working groups, advocacy initiatives, stakeholder coalitions and the creation of educational materials.

Step therapy is a utilization management tool used by insurers to dictate a specific course of care, often as a way to contain health care costs. Sometimes referred to as “fail first,” step therapy protocols require patients to try and fail on one or more medications, usually lower cost medications, before the patient can access the medication prescribed by their health care provider. This leads to delays in accessing treatment for many patients and can prevent patients from getting the care their clinicians order, leading to negative health outcomes and increased burden on both patients and clinicians. You can learn more about step therapy best practices that respect the clinician-patient relationship in AfPA’s step therapy [position paper](#).

HB 785 would improve patient access through the establishment of a clear and accessible process ensuring patients and providers can understand how to secure an exemption from the formulary step requirements. Further, the legislation would require exception requests (to override the step protocol) to be granted in a timely manner when the formulary-preferred medicine: (1) is contraindicated, (2) is expected to be ineffectual based on a specific patient, (3) has already been tried and found ineffective, or (4) when the patient is stable on another medicine.

Importantly, step therapy requirements would need to be based on peer-reviewed medical criteria. Step therapy rooted in clinical guidelines would still be permitted - the bill does not prevent insurance companies from using step therapy, nor does it limit the number of steps required by the insurer. However, by requiring clinically based requirements and a clear, timely exception process,

*Alliance for Patient Access
2020 K St. NW | Suite 505
Washington, DC 20006*

this legislation would reduce the burden on patients and providers and support a patient-centered system of care.

On behalf of Maryland patients and the Alliance for Patient Access, we urge your support for HB 785, as introduced, throughout the legislative process to ensure patients can access the treatments they need.

Sincerely,



Josie Cooper
Executive Director
Alliance for Patient Access

Cc: The Honorable Tiffany T. Alston
The Honorable Heather Bagnall
The Honorable Bhandari Harry
The Honorable Brian Chisholm
The Honorable Pam Lanman Guzzone
The Honorable Terri Hill
The Honorable Tom Hutchinson
The Honorable Steve Johnson
The Honorable Anne Kaiser
The Honorable Kenneth Kerr
The Honorable Nicholas R. Kipke
The Honorable Robbyn Lewis
The Honorable Lesley Lopez
The Honorable Ashanti Martinez
The Honorable Matthew Morgan
The Honorable Teresa E. Reilly
The Honorable Samuel Rosenberg
The Honorable Kathy Szeliga
The Honorable Deni Taveras
The Honorable Jennifer White
The Honorable Jamila Woods