



**Alliance for
Patient Access**

February 25, 2020

The Honorable Delores G. Kelley
Chair
Senate Finance Committee
Legislative Services Building
90 State Circle
Annapolis, MD 21401

The Honorable Shane E. Pendergrass
Chair
Health and Government Operations Committee
Legislative Services Building
90 State Circle
Annapolis, MD 21401

The Honorable Brian J. Feldman
Vice Chair
Senate Finance Committee
Legislative Services Building
90 State Circle
Annapolis, MD 21401

The Honorable Joseline A. Pena-Melnyk
Vice Chair
Health and Government Operations Committee
Legislative Services Building
90 State Circle
Annapolis, MD 21401

Re: Support for SB 0952 and HB 1359 - Health Insurance - Requirements for Establishing Step Therapy Protocol and Requesting Exceptions

Dear Senators and Delegates,

On behalf of the Alliance for Patient Access (AfPA), I am writing in support of SB 0952 and HB 1359, companion bills that will protect the physician-patient relationship by providing clear guidelines on the use of step therapy, one of the most common utilization management tools.

Founded in 2006, AfPA is a nonprofit, national network of physicians and other health care providers dedicated to patient-centered care. AfPA advocates for health policies that support clinical decision making, protect the physician-patient relationship, and ensure patients' access to approved therapies and appropriate clinical care.

SB 0952 and HB 1359 would protect patients' access to care by establishing guidelines around health insurers' use of step therapy protocols, helping to ensure patient-centered care and preserving physician-patient decision making in health care treatment.

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 as prescribed by their health care provider. This leads to delays in accessing treatment for many patients.

The bills provide commonsense reforms that give the health care provider and patient a path to satisfy step therapy protocols by providing clear exception criteria and an approval timeline. While step therapy rooted in clinical guidelines would be permitted, this legislation would help protect patient access by requiring a clearly described and accessible exemption process. Further, exception requests must be granted in a timely manner when the preferred medicine is contraindicated, expected to be ineffectual based on a specific patient, has already been tried and found ineffective or the patient is stable on another medicine. Importantly, the legislation does not prevent insurance companies from using step therapy, nor does it limit the number of steps required by the insurer. However, it serves as an important step toward protecting the provider-patient relationship that is critical to successful care by providing clear guidelines, improved accessibility, and faster response times to step therapy appeals.

We thank the sponsors for introducing legislation that incorporates the patient-physician relationship ideals outlined in AfPA's step therapy [position paper](#):

- Step therapy must be rooted in clinical evidence.
- Insurers must offer a straightforward exemption process.
- Insurers' communication must be timely and clear.

On behalf of Maryland patients and the Alliance for Patient Access, I urge your support for SB 0952 and HB 1359 throughout the legislative process to reform step therapy protocols.

Sincerely,



Josie Cooper
Executive Director
Alliance for Patient Access