

PATIENTS & PROVIDERS ADVOCATING AGAINST PATIENT PHARMACY STEERING

THE PROBLEM

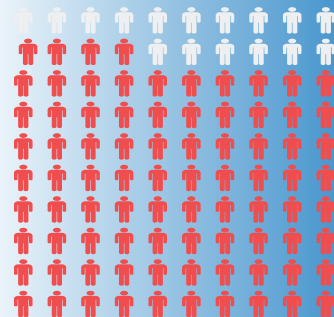
Patient Steering Restricts Access

Patients have long expressed frustration with “steering,” a practice in which an insurer or pharmacy benefit manager (PBM) requires members to fill their prescriptions at a specified specialty or mail-order pharmacy.

Patients required to use a PBM-mandated specialty or mail-order pharmacy often report:

- delays in prescription delivery;
- mix-ups at the PBM-owned pharmacy;
- endless phone tag with PBM representatives; and
- complex bureaucratic red tape. [1]

According to a 2022 survey, 84% of patients oppose health plan and PBM policies that prohibit patients from accessing medications at their pharmacy of choice. [2]




84% of PATIENTS OPPOSE STEERING

THE SITUATION

MD Law Excludes Vulnerable Patients from Anti-Steering Protections

Despite the passage of two important—but incomplete—reform bills, Maryland law continues to incentivize PBMs to engage in harmful and anti-competitive behavior. By allowing exemptions to remain in place while the market continues to condense, more and more chronically ill patients will be excluded from critical anti-steering protections. Specifically, HB 759: Pharmacy Benefit Managers – Pharmacy Choice and HB 601: Pharmacy Benefit Managers – Revisions, both passed in 2019, included anti-steering protections. But these protections came with broad exemptions for specialty pharmacy, mail-order drugs, and drugs dispensed at certain chain pharmacies.

PBM steering practices are particularly detrimental to patients who face complex, chronic, and/or life-threatening illnesses and require highly sensitive specialty medications. For this patient population, timely access to treatment is critical to ensure the best possible health outcomes. Maryland is one of 18 states that have passed anti-steering legislation in the past; however, we are the only state to fully exclude all specialty drugs and mandatory mail order policies from anti-steering protections.

 **18 STATES** [4] have passed or enacted legislation to protect patient choice and limit harmful pharmacy steering mandates.



Market consolidation amongst the nation's largest health insurers and PBMs further enables insurers to steer patients to their affiliated pharmacies for greater profit. By 2020, just 3 PBMs processed nearly 80% of prescriptions nationwide. [3]

THE SOLUTION

Targeted Legislation Extending Anti-Steering Protections to All Maryland Patients

The Maryland General Assembly must strengthen current anti-steering laws by repealing exceptions for specialty and mail-order drugs, thereby enabling patients with complex or chronic conditions like cancer, arthritis, lupus, and multiple sclerosis to obtain their medication from the pharmacy of their choice in a timely manner. Doing so will also increase treatment plan adherence, reduce potential waste, minimize delays, and improve overall clinical outcomes.

 **SB 398
HB 650**

ACT NOW: Support Senator Clarence Lam, MD's bill SB 398
HB 650 sponsored by Delegate Steven Johnson.

Patients & Providers Advocating Against Patient Pharmacy Steering

This Message Is Supported By The Undersigned Organizations:



1. <https://hme-business.com/articles/2022/03/03/steering.aspx>

2. <https://pbmabuses.org/horror-stories/>

3. <https://www.drugchannels.net/2021/04/the-top-pharmacy-benefit-managers-pbms.html>

4. Examples:

a. Alabama: <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/27-45-3.htm>

b. Georgia: <https://www.legis.ga.gov/api/legislation/document/20192020/180927>

c. Kentucky: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49885>

d. Louisiana: <https://legis.la.gov/Legis/law.aspx?d=1147622>

e. Minnesota: <https://www.revisor.mn.gov/statutes/cite/62W.07>

f. Mississippi: <https://www.sos.ms.gov/acproposed/00018765b.pdf>

g. North Dakota: <https://www.ndlegis.gov/cencode/t19c02-1.pdf#nameddest=19-02p1-16p2>

h. Pennsylvania: <https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2020&sessInd=0&smthLwInd=0&act=0120>