

January 23, 2020



Honorable Chairman Scott Lipps
House Health and Human Services Committee

RE: Arthritis Foundation's Testimony in Support of OH HB 418 Mid-year Formulary Changes

Dear Chairman Lipps and Members of the House Health Committee:

On behalf of the 2.6 million Ohioans with doctor-diagnosed arthritis, the Arthritis Foundation urges reform regarding mid-year formulary changes. Presently, after enrollment, insurance plans sometimes change the available benefits of a policy and coverage of medications, imposing new utilization management practices, increasing cost sharing obligations and making other changes that can have a negative impact on an insured person. As a result, the plans in which people have enrolled often lack adequate patient protections, preventing patients from getting the care that they need.

Currently, the state of Ohio does not restrict negative mid-year formulary changes for commercial health plans and Medicaid. However, Representatives Carruthers and Clites have introduced legislation (HB 418) to protect patients against these negative mid-year formulary changes.

As the law currently stands, a patient may choose an insurance plan during open enrollment based on the fact that their medicine is covered, but there is nothing stopping the health insurance plans from changing coverage of that medicine at any time during a plan year. Plans are allowed to move medications to higher cost-sharing tiers at any point during a year, or worse, remove medications from their formularies entirely. However, individual patients cannot change their plan mid-year even if their coverage changes. An insurer unilaterally changing its coverage while requiring an insured to stay in the plan is tantamount to a "bait and switch" technique and is adverse to the interests of patients. Essentially, a patient is forced to commit to a plan while the plan is not required to make the same commitment to the patient.

It is critical for patients who are currently undergoing a course of therapy with one or more prescription medications to continue to have access to those medications throughout the plan year. Patients who have been stabilized on one therapy as determined by their physician should not be switched to an alternative therapy without regard to health impact. Without the proposed protections in HB 418, patients who select a particular plan based on their individual medication needs will have no assurances that the plan will maintain coverage for those particular medications during the course of the enrollment year. These unexpected changes can be financially devastating.

There must be safeguards in place that ensure appropriate access to quality health care and medicines for all Ohioans. These safeguards include prohibiting negative midyear formulary changes in commercial health plans and Medicaid bought in Ohio.

For this reason, the Arthritis Foundation supports HB 418, which prohibits negative mid-year formulary changes, and encourages the Ohio House of Representatives to pass this legislation to protect Ohio patients.

Sincerely,

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