



HOUSE OF REPRESENTATIVES
STATE REPRESENTATIVE TERRY JOHNSON

House Bill 72 – Sponsor Testimony
Ohio House Health Committee
March 15, 2017

Chairman Huffman, Vice Chair Gavarone, Ranking Member Antonio (Joint Sponsor) and the members of the Ohio House Health Committee, thank you for the opportunity to testify on HB 72.

HB 72 seeks to reduce barriers to treatment by improving the step therapy process also known as “fail first”. Fail first simply refers to the policy that patients must first try a medication selected by the insurer before they can use a prescribed medication from their provider. Step therapy is a tool insurers use to limit how much they spend covering patients’ medications.

Under this protocol, the insurer looks to provide the most effective medication at the lowest cost but that is often at the expense of the patient. This process is typically based on financial, not medical, considerations—before coverage is granted for the drug prescribed by the patient’s health care provider. Patients may be required to try one or more alternative prescription drugs that are of lower cost to the insurer, but the alternative medications effects or lack of thereof could worsen the patients’ overall condition or disease.

This legislation seeks to improve, not do away with, the step therapy process by:

- Requiring that an insurer’s process for requesting a step therapy override is transparent to the patient and the provider.
- Putting time restraints on override requests from the physicians. Requests from the physician are responded to within 72 hours, and, in the case of an emergency, within 24 hours.
- Allowing automatic exemptions to step therapy requirements when:
 - The insurance company’s preferred prescription drug will likely cause an adverse reaction or severe harm to the patient

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- The required prescription drug is expected to be ineffective based on characteristics of the drug and characteristics of the patient
- The patient has previously tried the required drug or a drug in the same pharmacologic class and the drug was ineffective or caused an adverse event
- The required prescription drug is not in the best interests of the patient based on medical needs
- The patient is stable on a prescription drug for the medical condition under consideration.

This bill also ensures that step therapy programs are based on clinical guidelines developed by independent experts. Our bill seeks to balance cost containment for insurers and the ability of physicians to make decisions in the best interests of their patients.

I am sponsoring this bill because this is a patient centered piece of legislation. More and more insurers are using step therapy and they are applying it to drugs treating a wide range of diseases and chronic conditions including Alzheimer's disease, Arthritis, Cancer, Diabetes, Epilepsy, Glaucoma, Hemophilia, HIV/AIDS, and Mental health. If there is anything we can do as doctors to ensure that we prescribe medication based more on the condition and less on the insurer, I will support.

The coalition that brought this issue to me reflects this trend and is made up of more than 40 organizations representing providers including OSMA, Ohio Dermatological Association, the Ohio Osteopathic Association, the Ohio Pharmacist Association, and the Ohio Psychiatric Physicians Association as well as organizations representing patients including the Arthritis Foundation, National Alliance on Mental Illness, the National Multiple Sclerosis Society, and the Central Ohio Diabetes Association. Thank you, again, for the opportunity to testify and I am happy to answer any questions.

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