



**SENATOR PEGGY LEHNER**  
6th Ohio Senate District

**Committees:**  
Education (Chair)  
Finance  
Finance- Primary and Secondary Education  
Subcommittee  
Ways and Means  
Health, Human Services, and Medicaid  
Judiciary

## **Senate Bill 56 Sponsor Testimony** **February 21, 2017**

Chairman Burke, Vice Chair Beagle, Ranking Member Tavares, and the members of the Senate Health, Human Services, and Medicaid Committee, thank you for the opportunity to testify on SB 56.

SB 56 seeks to minimize barriers to treatment by improving the step therapy process also known as “fail first”. Step Therapy is a tool that insurers use to control spending for medications. Under step therapy, a patient must try one or more drugs chosen by their insurer—usually 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 may not be the best therapy for a particular patient.

SB 56 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 and made known to the provider and patient.
- Requiring that override 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 is contraindicated or will likely cause an adverse reaction
  - The required prescription drug is expected to be ineffective
  - 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 appropriateness
  - The patient is stable on a prescription drug for the medical condition under consideration.

Lastly, the bill ensures that step therapy programs are based on clinical guidelines developed by independent experts.

My bill seeks to balance cost containment for insurers and the ability of physicians to make decisions in the best interests of their patients.

Another one of the reasons that I am sponsoring this legislation is because the use of step therapy is increasing steadily. 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.

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.