



STATE SENATOR
CHARLETA B. TAVARES

15TH DISTRICT

Sponsor Testimony
Presented by: Senator Charleta B. Tavares
Senate Bill 56
Senate Health, Human Services & Medicaid
Senator Burke, Chair

Good morning Chairman Burke and members of the Senate Health, Human Services & Medicaid Committee. I appreciate you providing the opportunity for Senator Lehner and me to present Senate Bill 56, which would create transparency and much needed reform for an insurance policy called step therapy. For those who are not familiar, step therapy or “fail first” is a policy that requires a patient to first try a medication selected by an insurer before they can use the medication prescribed by their doctor. The goal of step therapy is to try and find the most effective medicine at the lowest cost. While step therapy may have a worthwhile goal, the practical application of step therapy has presented problems for patients that Senator Lehner and I hope to solve with SB 56.

Issues with step therapy arise when patients who are trying the medications mandated by their insurance company suffer adverse health effects because they are unable to take the medicine prescribed by their doctor. Patients oftentimes are forced to take several drugs before they can take the physician prescribed medication which, in some cases, may prolong the illness or make it worse if the medication taken during the step therapy protocol is ineffective. Another complication with step therapy is that there have been instances when a patient has been taking a medication prescribed by their doctor and the medication is working well however; the insurance company may stop paying for that medication in order to make the patient try another cheaper medication. Essentially, the patient is being de-stabilized in order to cut costs. Patients sometimes spend months fighting with their insurance providers to get the medication that is most effective for their condition. The stress caused by this process can exacerbate their illnesses. Additional problems can occur when a person has completed the step therapy process with one insurance provider and has found a medication that works well

for them, only to have their employer switch insurance providers and be forced to start the step therapy process all over again. Although keeping pharmaceutical costs low is important it should never come at the expense of a person's health.

Senate Bill 56 would make the step therapy process fair and transparent by requiring

- Insurers to lay out the specific order in which medication should be taken under step therapy
- Step therapy protocols are developed and endorsed by a multi-disciplinary panel of experts not affiliated with the health insurance company. SB 56 also has measures that account for potential conflicts of interest and allow for public comment
- Step therapy protocols must also be based on high quality study, research, and medical practices. Protocols would also be required to be updated through review of new research and evidence.

In addition, Senate Bill 56 would create an exemption process that would allow a patient to forgo step therapy if certain conditions are met. The conditions include:

- Granting an exemption if the medication will likely cause an adverse reaction or physical or mental harm to the patient;
- Granting an exemption if the medication will likely be ineffective based on physical and mental characteristics of the patient and the characteristics of the drug regimen ;
- Granting an exemption if the patient has tried the medication under the current or a previous health insurance provider;
- Granting an exemption if the medication is not in the best interest of the patient based on medical necessity; and/or
- Granting an exemption if the patient is currently stable on the medication prescribed by their health care provider.

Senate Bill 56 does not look to end the practice of step therapy in Ohio; rather it finds balance between allowing insurance companies to implement cost saving measures while making sure that the patient's well-being comes first. Since Senator Lehner and I first introduced step therapy reform last General Assembly, five other states have passed legislation bringing the total number of states with laws governing the use of step therapy to eleven. In addition to Ohio, there are currently eleven states considering step therapy legislation in 2017.

Chairman Burke and members of the Committee, I appreciate your attention to this important issue and I respectfully request your favorable consideration and passage of Senate Bill 56. Thank you, Sen. Leaner and I are happy to respond to questions from the committee.