



December 4, 2018

Members, Health Committee
Ohio House of Representatives
77 S. High Street
Columbus, OH 43215

Re: Written Testimony as a Proponent of House Bill 72

Dear Members of the Health Committee:

On behalf of the 1-in-10 Ohioans with one of the approximately 7,000 known rare diseases, the National Organization for Rare Disorders (NORD) urges you to support House Bill 72, legislation that would establish incredibly important patient protections pertaining to step therapy protocols.

NORD is a unique federation of voluntary health organizations dedicated to helping people with rare "orphan" diseases and assisting the organizations that serve them. We are committed to the identification, treatment, and cure of rare disorders through programs of education, advocacy, research, and patient services. NORD believes strongly that all patients deserve the medical care that is best suited for their medical situation and that will give them the best results. Based on the reports we receive from member organizations and individuals, step therapy (also known as fail first) is increasingly being applied by health plans in Ohio with little regard for a patient's treatment history and specific medical needs.

Step therapy is a procedure by which insurers (public or private) require patients to take one or more alternative medications before being put on the medicine preferred by their provider. While this is done by insurers as an attempt to control health care costs, it can often be applied inappropriately, with little regard to clinical practicalities. As a result, in many cases, these requirements can delay appropriate treatment and ultimately increase costs, not lower them.

As the use of step therapy has increased (at least 60 percent of commercial health plans have implemented it)¹, so has the need for states to ensure that these requirements do not needlessly interfere with appropriate care for patients. For instance, in some cases, patients switching insurance plans may be required to stop taking a successful treatment and start taking a medicine that they have already failed on simply because the step therapy protocol does not take into account whether a patient has failed a medicine while covered by another insurer.

HB 72 would address this issue by providing new protections for patients when health plans implement fail first policies. First, this legislation would require that step therapy protocols be

¹ Pharmaceutical step therapy interventions: a critical review of the literature. J Manage Care Pharm. 2011 Mar;17(2):143-55.



based on medical criteria and clinical guidelines developed by independent experts. Second, it would require insurers to have a simple and accessible process for patients and providers to request exemptions. Finally, it would specify certain conditions under which it is medically appropriate to exempt patients from step therapy and require insurers to grant or deny exemption requests within a specified timeframe.

In order to guarantee patient safety, Ohio needs to ensure that fail first policies do not interfere with appropriate care. By implementing the protections created in HB 72, the Committee will be protecting patients while still enabling health plans to achieve the cost-saving benefits of step therapy when appropriate.

Thank you for the opportunity to comment on this legislation.

Sincerely,

Tim Boyd,
Director of State Policy

Charlene York,
Volunteer Ohio State Ambassador