



MEDICAL SOCIETY OF THE STATE OF NEW YORK
ORGANIZED 1807

July 10, 2023

Governor Kathy Hochul
Executive Chamber
New York State Capitol
Albany, NY 12224

RE: S.2677-A (Breslin) / A.463-A (McDonald) Requires written notice of an adverse determination made by a utilization review agent in relation to a step therapy protocol override determination.

Dear Governor Hochul:

The New York Step Therapy Alliance, working together with numerous stakeholder advocacy organizations listed below across more than ten disease communities including oncology, rheumatology, respiratory, neurology, and hematology, collectively write in support of S.2677-A/A.463-A, and urge the Governor to sign this bill.

This bill would provide greater transparency surrounding step therapy protocols, and complying with this bill would not impose any substantial burdens on health plans. As you know, step therapy policies, also referred to as “fail first,” require insured individuals to try and fail on alternative treatments, sometimes with adverse effects, before the insurer or pharmacy benefit manager will cover prescribed treatments. Such policies can be unethical and inconsistent with sound scientific and clinical evidence, resulting in interference with practitioner-patient relationships and significant delays in access to prescribed treatments. For patients with progressive diseases, such as cancer, time-consuming step therapy policies may worsen their diseases, causing irreversible effects, or even result in death.

S.2677-A/A.463-A would specifically provide patients with notice of adverse determinations when patients are required to comply with step therapy policies. Specifically, this bill would establish a written procedure for notice of adverse determinations, as well as the reasons for the determinations, including the clinical rationales. In addition, it requires instructions on how to initiate standard and expedited appeals, thereby providing patients with the information necessary to file complaints, request overrides, and plan for efficient treatments. The bill also requires transparency in information, including any applicable alternative covered, the clinical review criteria relied upon, and any additional necessary information the utilization review agent relied upon to render such decision.

By increasing decision-making transparency and providing consumers with information on how to appeal and better understand their health plan's coverage, patients will become stronger advocates for their health care needs. While we applaud the passage of step therapy legislation in 2016 as a sincere effort to reform step therapy protocols, this bill will strengthen earlier legislation by ensuring that patients and providers have equal access to information in order to make informed decisions about a course of treatment. Without this legislation, consumers may otherwise be unaware of their health plan's reasoning and their right to appeal a benefit denial.

For these reasons, the above-mentioned organizations *support* the above referenced legislation and urge the Governor to swiftly sign this legislation.

Sincerely,

Aimed Alliance
Coalition of State Rheumatologists (CSRO)
Mental Health Association of New York (MHANYS)
New York Oncology and Hematology Society (NYOH)
FORCE: Facing Our Risk of Cancer Empowered
New York Chapter American College of Physicians Services, Inc
Lupus and Allied Diseases Association, Inc.
Cerebral Palsy Associations of NYS (CP State)
Medical Society of the State of New York
New York State Bleeding Disorders Coalition
Derma Care Access Network
Partnership to Advance Cardiovascular Health
Headache and Migraine Policy Forum
National Organization of Rheumatologists (NORM)