



September 22, 2023

James V. McDonald
Commissioner, New York State Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237

Re: Advocacy Organizations Have Concerns Regarding New York Medicaid Prescription Drug Program's New Step Therapy Policy

Dear Commissioner McDonald:

On behalf of the NY Step Therapy Alliance, comprised of stakeholder members across more than six disease communities including rheumatology, oncology, and neurology, we write to share our concerns regarding the potential impact of step therapy protocols on patient well-being and timely access to medically necessary treatments following the implementation of the New York Medicaid Prescription Drug Program's new step-therapy policy.

Step therapy policies, also referred to as "fail first," require individuals on Medicaid to try and fail on alternative treatments, sometimes with adverse effects, before the plan will cover the originally prescribed treatment. Step therapy policies prevent timely access to necessary treatments. They prioritize a temporary reduction in healthcare spending over the expertise of the healthcare provider treating the patient and the long-term health of the patient, ultimately undermining the patient-provider relationship and increasing long-term healthcare costs.¹ Moreover, some patients may have already tried and failed on alternative drugs in the past, rendering step therapy redundant and needlessly burdensome.

Imposing step-therapy is also inconsistent with New York's long-standing "provider prevails" policy which safeguards patient health and respects provider discretion. The expertise of healthcare providers in determining the most suitable treatment for their patients is invaluable.

¹ Stacey Worthy, et al., Now or Never: The Urgent Need for Action Against Unfair Coverage Denials for Quality Health Care, <https://lawcommons.luc.edu/lucj/vol48/iss4/8//>.

While step therapy protocols aim to streamline medication use, there should be a mechanism in place to allow providers to override these requirements when they believe the patient's well-being and health could be compromised. This not only respects the knowledge and experience of healthcare providers but also prioritizes patient-centric care.

Lastly, the Medicaid Best Price Rule already affords the New York Medicaid program the ability to secure the lowest cost for medications. This federal regulation mandates that drug manufacturers provide Medicaid with the lowest price offered to any purchaser in the private market.² As such, requiring patients to try less expensive treatments before accessing costlier options will not likely yield substantial additional savings beyond what the Medicaid Best Price Rule already achieves. Therefore, the introduction of step therapy could hinder patient access to necessary medications without commensurate financial gains for the New York Medicaid program.

We appreciate your dedication to promoting the well-being of New York residents and we are hopeful that you will take these concerns into consideration. Thank you for your time and attention to this matter.

Sincerely,

Aimed Alliance
Derma Care Access Network
EPIC Family of Human Service Agencies
Epilepsy Foundation America
Epilepsy Foundation Long Island
Epilepsy Foundation Metropolitan New York
Epilepsy Foundation Northeastern New York
FORCE: Facing Our Risk of Cancer Empowered
Lupus and Allied Diseases Association, Inc.
Mental Health Association of New York (MHANYS)
National Minority Quality Forum
National Organization of Rheumatologists (NORM)
The Headache and Migraine Policy Forum

² Ramsey Baghdadi, Medicaid Best Price, Health Affairs (Aug. 10, 2017), [https://www.healthaffairs.org/doi/10.1377/hpb20171008.000173/.](https://www.healthaffairs.org/doi/10.1377/hpb20171008.000173/)