



July 19, 2024

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

On behalf of the undersigned organizations, which includes representatives across several disease states, including dermatology, neurology, hematology, immunology, and oncology we are writing to ask for your support and swift enactment of A.901A/S.1267A, an act that will amend the rules and enforcement of step therapy protocols to better protect patients.

A.901A/S.1267A would prohibit an insurer from requiring a patient to step through a Food and Drug Administration (FDA) drug that is not approved to treat the patient’s disorder or disease; prohibit an insurer from forcing a patient try and fail on more than two drugs in a therapeutic category before providing coverage to the originally prescribed medication; prohibit plans from forcing a patient to try and fail on the same drug they tried and failed on a different plan within the last 365 days; and would require plans honor step therapy exceptions for 12 months or for the duration of treatment. The undersigned organizations support this bill as patients should not be forced to “step-through” a treatment not prescribed by their clinician for any longer than necessary.

Typically, clinicians can determine within 30 days if a treatment is working for the patient. Thus, forcing patients to continue to take a medication beyond the time reasonably necessary to determine if the treatment is effective, is inappropriate and forces patients to continue to experience symptoms without relief. Enacting this legislation would prohibit this practice by limiting the time in which a patient is required to try and fail on a medication to 30 days, or a duration of treatment supported by current evidence-based guidelines.

Similarly, the bill would prohibit health plans from requiring an individual to try-and-fail on more than two drugs in a therapeutic category before being able to access the originally

prescribed drug. Currently health plans have no limit on the number of steps they can impose, therefore, an individual could be subject to as few as one, or as many as ten steps before accessing the originally prescribed medication. As such, this legislation aims to place a reasonable limitation on the number of steps a plan can require. Multiple steps can delay access to treatments potentially leading to worsening of the patient's condition and increased costs to the patient and the health care system due to unexpected doctor visits and trips to the emergency room. For those patients with serious chronic illnesses like cancer, hemophilia, and psoriasis, every day counts towards fighting their disease and repeating a failed treatment wastes precious time.

Moreover, specific restrictions are necessary to ensure that insurers ultimately provide access to the therapy prescribed to patient by their clinicians and are not immediately switched upon gaining access, the bill correctly requires insurance companies to honor a step therapy exception until 12 months or the duration of treatment established within evidence-based guidelines. Such a requirement provides patients the peace of mind that once they finally do gain access to the treatment they were prescribed, they will not be switched immediately by their plan.

We strongly urge you to sign S.1267A/A.901A to protect patients and ease the burden for providers. This bill will not remove step therapy as a utilization tool, but rather will better protect patients from abuse and over utilization. We thank you for your consideration.

Sincerely,

Aimed Alliance

Cerebral Palsy Association of NYS

Derma Care Access Network

FORCE: Facing Our Risk of Cancer Empowered

Hemophilia Federation of America

Lupus and Allied Diseases Association, Inc

Medical Society of the State of New York

National Bleeding Disorders Foundation

National Organization of Rare Disorders

New York Chapter American College of Physicians Services

New York State Bleeding Disorders Coalition