Subject: HB 2126, Accident and sickness insurance; step therapy protocols.

Dear Chairman Wagner and members of the Senate Commerce and Labor Committee:

We, the undersigned organizations of Fair Health Care VA, respectfully request that you support HB 2126, legislation that will improve patient access to needed treatment and protect patients from the unintended consequences of step therapy that can cause harm. The Fair Health Care VA coalition is comprised of leading patient and provider advocacy organizations and collectively represents the many voices of adults, children and families coping with serious and chronic illnesses in the Commonwealth alongside their care team.

Step therapy is used by health insurers to help contain rising healthcare costs. Sometimes called “fail first”, step therapy protocols require patients to try and fail another lower cost treatment before they can receive the medication originally prescribed by their doctor. When step therapy requirements are applied bluntly through broad utilization management practices, patients often are prevented from having access to the specific medications, diagnostic tests or other therapies determined the best choice for them in close consultation with their doctor. This can interfere with timely and effective treatment of their condition, putting patients’ health and well-being at risk.

Prescribed treatments should be the result of shared decision-making between patients and their doctors based on conversations they’ve had about what best meets the patient’s particular needs and circumstances. While step therapy may reduce health care costs, it’s imperative to apply these policies in a way that improves quality care delivery rather than impedes it.

HB 2126 balances cost containment objectives with meeting Virginians’ health care needs by ensuring step therapy protocols are transparent, understandable and allow flexibility for considering medical provider judgement and expertise as well as the impact on patients. The proposed legislation is not an outright ban on step therapy; instead, it inserts protections that establish a consistent and transparent process for patients and their doctors to request exceptions to the imposition of step therapy protocols. We urge passage of this important legislation out of the Senate Commerce and Labor Committee to enhance patients’ access to high-quality care.

We thank the committee for the opportunity to support the model legislation, which has been enacted in nineteen states, including West Virginia and Maryland. Please contact Donna Guinn, Director of Grassroots Advocacy for National Patient Advocate Foundation at donnag.kaufman@npaf.org or 703-489-2727, if the Fair Health Care VA coalition can provide additional details or assistance.

Respectfully submitted,
Fair Health Care VA Coalition
Undersigned organizations include:

American Diabetes Association
American College of Rheumatology
Arthritis Foundation
Epilepsy Foundation
Hemophilia Association of the Capital Area
Hemophilia Federation of America
Medical Society of Virginia
Mental Health America of Virginia
National Alliance on Mental Illness of Virginia
National Eczema Association
National Multiple Sclerosis Society
National Patient Advocate Foundation
National Psoriasis Foundation
Patient Services Incorporated
Psychiatric Society of Virginia
Richmond Academy of Medicine
Virginia Academy of Family Physicians
Virginia Breast Cancer Foundation
Virginia Hemophilia Foundation
Virginia Quality Healthcare Network
Virginia Society of Eye Physicians and Surgeons

CC: Senator Richard L. Saslaw
    Senator Thomas K. Norment, Jr.
    Senator Stephen D. Newman
    Senator Mark D. Obenshain
    Senator Richard H. Stuart
    Senator William M. Stanley, Jr.
    Senator John A. Cosgrove
    Senator A. Benton "Ben" Chafin
    Senator Rosalyn R. Dance
    Senator L. Louise Lucas
    Senator Ryan T. McDougle
    Senator Richard H. Black
    Senator Glen H. Sturtevant
    Senator Lionell Spruill, Sr.