

HCS HB 2029 -- STEP THERAPY FOR PRESCRIPTION DRUGS

SPONSOR: Hoskins

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Health and Mental Health Policy by a vote of 10 to 0. Voted "Do Pass with HCS" by the Select Committee on Social Services by a vote of 10 to 0.

This bill changes the laws regarding step therapy protocols for prescription drugs. In its main provisions, the bill:

(1) Delineates findings of the legislature that note the need for patients to be exempt from step therapy protocols if not in the patient's best interest; the need for patients to have access to a fair, transparent, and independent process for requesting exemptions; and the need for patients and health care providers to receive a timely determination regarding an exemption from step therapy protocols;

(2) Requires the patient and prescribing practitioner to have access to a readily accessible process to request a step therapy override exception determination if coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization via a step therapy protocol. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement;

(3) Requires an override exception request to be expeditiously granted under certain circumstances as specified in the bill;

(4) Requires the health carrier, health benefit plan, or utilization review organization, upon the granting of an override exception request, to authorize dispensation of and coverage for the prescription drug prescribed by the patient's treating health care provider, provided the drug is a covered drug under the policy or contract;

(5) Requires the health carrier, health benefit plan, or utilization review organization to respond to an override exception within 72 hours of receipt, but if exigent circumstances exist, to respond within 24 hours of receipt, and requires that failure to timely respond must result in granting of the override exception request;

(6) Prohibits the provisions of the bill from being construed to prevent certain actions as specified in the bill; and

(7) Requires the provisions of the bill to apply only to health insurance and health benefit plans delivered, issued for delivery, or renewed on or after January 1, 2017.

This bill is similar to HB 932 (2015).

PROPOSERS: Supporters say that step therapy is a cost cutting measure used by insurance companies. Decisions regarding medication and what is best for the patient should be made by the doctor and the patient, not a third party. The bill does not prevent the use of step therapy, it just puts into place some protocols for the use of step therapy. One of the biggest issues with step therapy is the amount of time it takes for the appeals process to occur. The health insurance system is very hard to navigate and the process can be very stressful for patients. Step therapy is also hard on physicians, who may have to hire a single person to deal with the appeals and other issues related to step therapy and prior authorizations.

Testifying for the bill were Representative Hoskins; Anna Diggs; Kimberly Williams; Missouri State Medical Association; Missouri Association Of Physicians And Surgeons; Missouri Nurses Association; Tracey Joyce; Missouri Association Of Rural Health Clinics; Missouri Society Of Interventional Pain Physicians; Missouri Academy Of Family Physicians; Missouri Pharmacy Association; Missouri Psychiatric Society; Missouri Dermatological Society Association; Lee Ann Barnett, OD, Missouri Optometric Association; Missouri Biotechnology Association; and Michele Guadalupe, Arthritis Foundation.

OPPOSERS: Those who oppose the bill say that there are incredible medicines available today however they can be very expensive. Step therapy is a cost management product offered to insurance clients and overall employees who are subject to step therapy and are happy with the process, although there is always room for improvement.

Testifying against the bill were Michael Harold, Express Scripts; CVS Health; St. Louis Area Business Health Coalition; and the Missouri Insurance Coalition.

OTHERS: Others testifying on the bill say that if the bill prohibited step therapy they would be opposed and they have some changes to the language they'd like to see.

Testifying on the bill was United Healthcare Services, Inc.