



NEW YORK STATE SENATOR

Catharine Young

Doctors, Patients Gain Confidence with New Law Improving Access to Prescribed Medications

CATHARINE YOUNG January 13, 2017

| ISSUE: **HEALTH**

ALBANY – Governor Cuomo has signed Senator Catharine Young’s (R,C,I- 57th District) bill into law to ensure patients get appropriate medications determined by their doctors.

Under this important new health care law, protocols are established around an insurance industry practice known as step therapy, or fail first prescribing, ensuring greater control for doctors over the prescriptions administered to their patients.

“When someone is battling serious illnesses like cancer, Lupus or Crohn’s Disease, medical professionals should know that their prescribing orders will be administered to their patient. I have heard from too many people about how step therapy has negatively affected their lives and health, preventing access to important prescriptions, delaying treatment and adding unnecessary stress. This important patient protection law gives doctors a standardized, transparent process to seek exceptions from step therapy when a patient needs a particular treatment, based on that individual’s personal medical case,” said Senator Young.

“Having set guidelines and a defined time-table allows patients, doctors and insurance companies to know that treatment will be administered quickly and that the process will be

the same from patient to patient, and provider to provider. Patients rely on the expertise of their doctors, and they put faith in the course of treatment prescribed. Now all involved will have confidence that the ultimate goal, quality, affordable healthcare, is provided to those in need,” said Senator Young.

Step therapy requires patients to try and fail on alternative medications, often a less expensive version of a medication, before an insurance provider will cover the cost of the original doctor-prescribed treatment. The protocols are intended to save insurance companies money on prescription drugs as a tool to manage health care costs. When applied inappropriately, patient health can be negatively impacted due to the delay in receiving critical care, and the disease progression that may result. In some cases, such protocols can go too far—leaving patients without access to the proper medications.

Under the new law, step therapy protocols are not banned, but a straightforward and fair appeal process for doctors is established, so a medical professional can appeal for a specific medication to be released to a specific patient.

The law institutes a set time period, 72 hours, for an insurance provider to respond to a doctor’s step therapy appeal requests, and sets the response time at 24-hours in emergency situations to prevent an unnecessary delay in critical care for patients. The law also includes standards guiding the exception processes, ensuring that it is fair and workable for patients and their health care providers. The law also offers reassurance for patients that if they switch insurance companies that they won’t be forced to “fail” again if a particular medication hasn’t worked for them under a previous provider.

The new law took effect on January 1, 2017 and applies to health insurance and health benefit plans.