

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution 27-19

INTRODUCED BY: Montgomery County Medical Society

SUBJECT: Expanding Maryland's Step Therapy Law to Include Additional Patient Protections

Whereas, Step therapy, or “fail first”, is a one-size-fits-all policy that has become a barrier to getting the right care at the right time for patients. Step therapy can undermine physicians’ ability to effectively treat patients, lower quality of care, and lead to set backs and disease progression for patients; and

Whereas, under step therapy, a patient must try one or more drugs chosen by their insurer—usually based on financial, not medical, considerations—before coverage is granted for the drug prescribed by the patient’s health care provider. Patients may be required to try one or more alternative prescription drugs that are of lower cost to the insurer, but may not be the best therapy for some patients; and

Whereas, patient, provider (dermatology and rheumatology), and industry formed the State Access to Innovative Medicines (SAIM) Coalition to address step therapy reform; and

Whereas, SAIM’s model state legislation improves the step therapy process by 1) requiring that an insurer’s process for requesting a step therapy override is transparent and available to the provider and patient; 2) allowing automatic medical exceptions to step therapy requirements; 3) ensuring that step therapy programs are based on clinical guidelines developed by independent experts; and

Whereas, step therapy reform legislation has been enacted in a number of states including neighboring Delaware, West Virginia, and Virginia; and

Whereas, the Maryland General Assembly passed step therapy reform legislation in 2014, but existing law lacks all of the protections provided to patients that are included in the model legislation; therefore be it

Resolved, that MedChi examine Maryland’s step therapy and other state laws regarding utilization management to determine if additional changes are necessary to strengthen Maryland patient protections.

As amended and adopted by the House of Delegates at its meeting on November 2, 2019.