



# What healthcare professionals should know about **recent changes** in Maryland healthcare law

## Changes in state law amend fail-first step therapy



### What does the new law say?<sup>1</sup>

- The law requires the MD Health Care Commission to work with certain payers and providers to amend step therapy or fail-first protocols in the state of Maryland (as of July 1, 2014)
  - It pertains to insurers, nonprofit health service plans, and health maintenance organizations in the state
- Grandfathering is in place for patients already taking a prescribed drug
  - When a doctor provides supporting medical information that a drug was prescribed within the last 180 days for a patient and that it is effective for the patient's medical condition, the insurer must allow the patient to continue taking the prescribed drug without having to restart the step therapy process
    - Note that this law does not require the payer to cover the medication, if not already covered
- Payers may not impose a step therapy or fail-first protocol on an insured or enrollee if the step therapy drug has not been approved by the US Food and Drug Administration for the medical condition being treated
- Payers' preauthorization applications must now be standardized and automated and allow for overriding their step therapy or fail-first protocols



# Continue prescribing using your clinical judgment

- The new Maryland law eliminates patients' need to fail first in order to receive prescribed treatments
  - The easing of step therapy requirements means patients can get the treatment you think most appropriate
  - Familiarize yourself and your staff with the new law to smooth your prescription-writing practices in 2014

## Want to learn more?

Contact the Maryland Insurance Administration for further information:

<http://www.mdinsurance.state.md.us/sa/jsp/Mia.jsp>

**1-800-492-6116**

*The preceding is a summary of legislation that became effective on July 1, 2014, and may be relevant to your practice. This information is being provided for your convenience only. For more information on this legislation, please visit [www.mgaleg.maryland.gov](http://www.mgaleg.maryland.gov).*

**Reference:** 1. General Assembly of Maryland. Maryland House Bill 1233. Chapter 317. Health Insurance - Step Therapy or Fail-First Protocol. [http://mgaleg.maryland.gov/2014RS/chapters\\_noln/Ch\\_317\\_hb1233T.pdf](http://mgaleg.maryland.gov/2014RS/chapters_noln/Ch_317_hb1233T.pdf). Accessed June 19, 2014.