

# Fail First Puts Massachusetts Patients Last

**Massachusetts lawmakers must pass legislation (HB 1311/SB 756) that reforms this unfair and clinically burdensome process.** Patients should be protected from the harmful impact of Fail First policies that limit medically necessary access to vital medications prescribed by their healthcare providers.

Fail First (also known as step therapy) is a practice insurers use in a misguided attempt to control costs. It prevents patients from accessing the treatment prescribed by their health care provider by making them try and fail one or more alternative drugs.

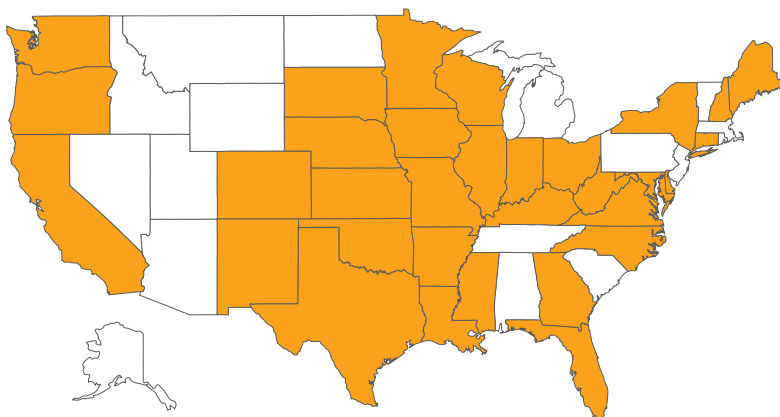
Fail First policies negatively impact patients dealing with a wide range of medical conditions, including cancer, diabetes, inflammatory bowel diseases, psoriatic and rheumatoid arthritis, mental health, epilepsy, multiple sclerosis, autoimmune diseases, and more.

Recent studies found that in plans using step therapy protocols:

- The odds of treatment effectiveness were 19% lower for rheumatoid arthritis patients and 27% lower for psoriatic arthritis patients than among patients in plans without step therapy protocols.<sup>1</sup>
- In a real-world study of 7,504 rheumatoid arthritis patients, 66% had negative responses to initial treatment and experienced significantly more inpatient admissions, days of hospitalization, outpatient visits, emergency department visits, prescription fills, days of work lost and medical costs.<sup>2</sup>

Fail First can make patients sicker by delaying access to the most effective treatment. The time spent on trying and failing one or more medications can lead to disease progression and increase health care costs.

Patients are already struggling; COVID-19 only made things worse.



## Fail First Policies in the States

### 32 States with Patient Protection Laws

AR, CA, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NC, NE, NH, NM, NY, OH, OK, OR, SD, TX, VA, WA, WI, WV

### How Fail First Protections Will Help Massachusetts Patients

- Ensures Fail First protocols are based on clinical guidelines.
- Provides for a transparent exceptions and appeals process for health care patients and providers.
- All requests and appeals must be determined within 72 hours for non-emergency and 24 hours for emergency cases.
- Establishes circumstances for the prescribing health care provider to override Fail First when medically appropriate for a patient.

### What Fail First Protections Will NOT Do

- It will not prevent health plans from using Fail First nor limit the number of allowed steps.
- It will not require health plans to develop a new exceptions process.
- It will not prevent health plans from requiring prior authorization before covering a drug.
- It will not prevent insurers from requiring patients to try a generic drug if it is equivalent to a brand.

<sup>1</sup> Boytsov N, Zhang X, Evans KA, Johnson BH. Impact of plan-level access restrictions on effectiveness of biologics among patients with rheumatoid or psoriatic arthritis. *PharmacoEconomics Open*. 2020;4(1):105-117.

<sup>2</sup> Strand V, Tundia N, Song Y, Macaulay D, Fuldeore M. Economic Burden of Patients with Inadequate Response to Targeted Immunomodulators for Rheumatoid Arthritis. *J Manag Care Spec Pharm*. 2018 Apr;24(4):344-352