

We Support Step Therapy Reform Legislation (A4815/S3051)



IT IS TIME FOR NEW JERSEY TO PUT PATIENTS FIRST AND REFORM STEP THERAPY

Step therapy policies (also known as fail first) requires patients to try, and fail, on one or more prescription drugs chosen by their insurance company – not their healthcare professional - before gaining access to the drug that was recommended to treat their health condition. When implemented inappropriately, step therapy can result in patients not being able to access the treatments they need in a timely manner. This can lead to worsened symptoms and presents a particular challenge for patients suffering from life-threatening or chronic diseases.

Reforming step therapy means ensuring that it is:

- ✓ Safe for patients
- ✓ Clinically grounded, and
- ✓ Transparent to patients and health care providers

**Patients Need The Right Medicine At The Right Time
Support A.4815/S.3051**

For more information contact michael.davoli@cancer.org (212) 237-3853
www.fightcancer.org/NJStep

Step Therapy 101

Step therapy (also known as fail first) requires patients to try, and fail, on one or more prescription drugs chosen by their insurance company - not their healthcare professional - before gaining access to the drug that was recommended to treat their health condition.

Step therapy is often applied to New Jerseyans living with a wide range of diseases and chronic conditions including:

- Cancer
- Diabetes
- Autoimmune Disorders
- HIV/AIDS
- Epilepsy
- Arthritis
- Psoriasis
- Heart Disease
- Mental Illness
- Multiple Sclerosis



A January 2019 nationwide survey of cancer patients, caregivers and doctors regarding practices like step therapy detailed the negative effects of these policies.



1 in 3 cancer patients and caregivers (34%) report experiencing delays in their or their loved one's cancer care



A majority of physicians report delays in their patients' cancer care

We Need To Reform Step Therapy in New Jersey to Protect Patients

Step therapy is appropriate in some instances but there needs to be protocols in place that are based on clinical guidelines developed by independent experts. The legislature needs to establish a basic framework for when it is medically appropriate to exempt patients from step therapy, as well as an exceptions process that is transparent and accessible to patients and health care providers.



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A survey of more than 1,400 patients conducted in 2016 by the Arthritis Foundation revealed:



MORE THAN 50% of patients reported having to try TWO OR MORE DIFFERENT DRUGS before getting the one originally prescribed by their health care provider.

We Need To Reform Step Therapy in New Jersey to Protect Patients

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www.fightcancer.org/NJStep





What does step therapy reform look like?

Step therapy, also known as fail first, is a process that requires patients to try and fail one or more medications chosen by their insurer before they can access the treatment prescribed by their healthcare provider.

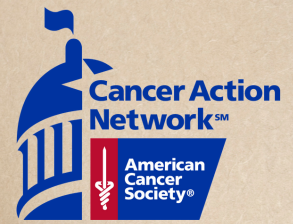
This legislation WILL:

- ✓ Ensure step therapy protocols are based on widely-accepted medical and clinical practice guidelines.
- ✓ Create a clear and expeditious process to request a medical exception and requiring a response by the patient's health plan within 72 hours for non-emergency and 24 hours for emergency situations.
- ✓ Provides certain circumstances for a patient to override the step therapy protocol when the drug required under the step therapy protocol is: 1) contraindicated or will likely cause an adverse reaction of physical or mental harm 2) is expected to be ineffective 3) was previously tried and discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event 4) is not in the best interest of the patient based on medical necessity or 5) if the patient is currently stable on a medication prescribed by their healthcare provider.

This legislation WILL NOT:

- ✗ Require a health plan to cover any prescription drug not already on formulary and does not make any changes to the benefit design, formulary coverage, tiering of drugs or out of pocket requirements of the patient.
- ✗ Prevent insurers from using step therapy, limit the number of required steps, or require prior authorization before covering a prescription.
- ✗ Prevent insurers from requiring patients to try a generic version of a drug if it is equivalent to the brand name prescription.





A.4815/S.3051 seeks to improve step therapy by ensuring that it is:

- ✓ Safe for patients
- ✓ Clinically grounded, and
- ✓ Transparent to patients and health care providers

Myth vs Fact

1

This legislation will prevent insurers from using step therapy or limit the number of allowed steps.

1

This is not true! Insurers will still be able to use step therapy but S.3051/A.4815 will ensure that step programs are based on clinical guidelines developed by independent experts.

2

It will require insurers to develop a new exceptions process.

2

This is not true! S.3051/A.4815 will ensure that the exceptions process is both transparent and accessible to patients and health care providers.

3

It will prevent insurers from requiring prior authorization prior to covering a drug or treatment.

3

This is not true! S.3051/A.4815 will establish a framework for when it is medically appropriate to exempt patients from step therapy.

**It is Time to Put Patients
First and Reform
Step Therapy in New Jersey!**

Learn more at www.fightcancer.org/NJStep





Step Therapy and Prior Authorization Delay Cancer Care

In January 2019, the American Cancer Society Cancer Action Network (ACS CAN) sponsored a nationwide survey of cancer patients, caregivers and doctors regarding insurance utilization management (UM) techniques. The survey results detail the negative effects these policies, including prior authorization and step therapy, have had on patient care. Patients and caregivers reported that utilization management requirements like step therapy and prior authorization delayed their care, increased their stress and frustration, contributed to worse outcomes and cost them more out of pocket. Doctors reported that these requirements made it harder for them to treat patients, delayed treatment and were time consuming.

According to the survey:

- One in three cancer patients and caregivers of cancer patients (34%) report experiencing delays in their or their loved one’s cancer care because their physician was waiting on approval from their health insurance plan for a cancer treatment, test, or prescription medicine.
- Majorities of physicians report delays in their patients’ cancer care are happening frequently because of having to wait for approval from their patients’ health insurance plans.
- Younger cancer patients and caregivers are more likely to report they or their loved one have experienced delays in cancer care (58% among ages 18-44, 28% among ages 45-64, and 17% among ages 65+).
- Seven in ten physicians or more report that UM techniques are having a negative impact on their cancer patients’ care.

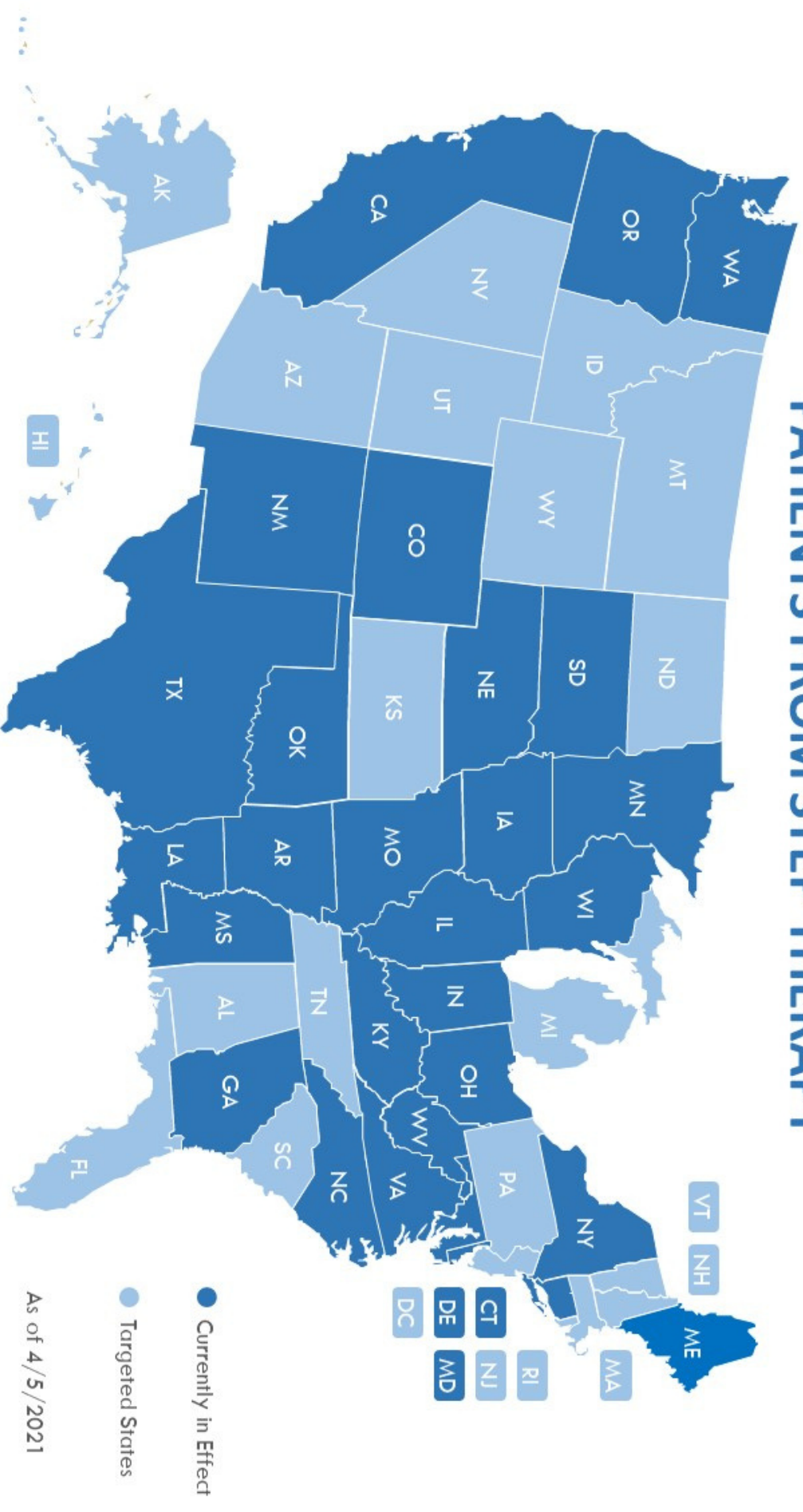
% Negative Impact	All PC/Oncology Physicians
Patients’ ability to get timely access to medications or treatments	83%
Physicians’ decision-making abilities regarding patient care	79%
Quality of care patients receive	76%
Clinical outcomes for patients	71%

ACS CAN Position

ACS CAN supports legislation to streamline prior authorization and step therapy processes so they are timelier and more transparent for cancer patients and caregivers. In some instances, a cancer patient may have a medical justification that would necessitate an exemption from a step therapy protocol. In such cases, and for all prior authorization requests, we support policies that require health insurers to respond promptly. We also support efforts to standardize such processes and increase transparency. ACS CAN recognizes that plans use utilization management tools to control costs, and that cancer patients may benefit from lower costs. However, these tools should not become a barrier to a cancer patient getting the right life-saving treatment at the right time.

More information about this survey is available at: <https://www.fightcancer.org/releases/new-survey-utilization-managementdelays-cancer-care-leads-more-stress-and-contributes>.

29 STATES HAVE PASSED LAWS PROTECTING PATIENTS FROM STEP THERAPY



New Jersey Step Therapy Reform Coalition

Complete the below to join the New Jersey Step Therapy Reform Coalition and share what your organization is able and willing to do. We will be in touch with you when opportunities for you to get involved become available. Return this form to michael.davoli@cancer.org.

Contact Name: _____ **Title** _____

Organization: _____

Address: _____

Address: _____

City, State, Zip: _____

Business Phone: _____ **Cell** _____

Email: _____

Check off the below tactics that your organization is able and willing to do:

☐ **Phone Call Campaigns:** Legislators need to hear from their constituents! One way you can do that is by calling your legislators to encourage them to support the step therapy regulation bill. If the member is unavailable, leave your contact information with the staff person and ask for a return call.

☐ **Letter and Email Writing:** In addition to phone calls, a great way to reach legislators is via traditional letter and email writing. This is an opportunity to include as many details as possible about how Step Therapy has impacted your life and why it needs reformed.

☐ **Action Alerts:** Encourage your own organizational membership to get involved by sending out an Action Alert asking members to share their stories and participate in other campaign activities.

☐ **Social Media:** This is a quick and easy way to reach a lot of people! Share your support for the bill on your Facebook/Twitter/Instagram pages. You can also tag legislators in the posts to get their attention.

☐ **Story Collection:** The best way to make the case for reforming step therapy is to highlight real stories of patients/providers who have been impacted by step therapy policies. Are you a patient who was required by your insurance company to try and fail on different prescription drugs before you were able to get the drug that your doctor recommended? Are you a doctor who was overruled by your patient's insurance company? We need to hear your stories. Share your story today at www.fightcancer.org/njstepstories

☐ **Advocacy Days:** Most patient and provider organizations have their own advocacy days. The Coalition will be having advocacy days as well. When you meet with legislators and/or their staff, you can share your support of the step therapy regulation bill as well as other handouts that highlight why the step therapy regulation bill is so important.

☐ **Testifying:** Once the legislation is taken up in Committee, there may be opportunities to share your story in person with the Committee. This is a powerful chance to share why it is important that bill is to be passed.

☐ **Financial Resources:** Financial resources allow for the campaign to invest in tactics otherwise not available to the campaign. If your organization is able and willing to contribute financial resources to support campaign activities, please let us know.

☐ **Other:** Are there other ideas for ways that you can help? Please let us know.

☐ **Professional Services:** Professional services like graphic design, media relations, and other services that coalition partners may offer can provide tool and resources currently unavailable.

IT IS TIME FOR NEW JERSEY TO PUT PATIENTS FIRST AND REFORM STEP THERAPY



STEP THERAPY/FAIL FIRST SAMPLE TWEETS

- **NJ lawmakers just introduced legislation (A4815/S3051) to ensure that patients can access the medicine that they need when they need it by reforming the practice of step therapy/fail first in NJ. #ReformStepNJ**
- **Step therapy reform in NJ (A4815/S3051) will ensure step therapy protocols are based on medical and clinical practice guidelines, create a clear and expeditious process to request a medical exception, and provides a protocol for a patient to override their insurer. #ReformStepNJ**
- **Did your insurance company require you to try a different prescription drug before you were able to get what your doctor recommended? We want to hear your story. Visit fightcancer.org/NJstepstories #ReformStepNJ**
- **Too many insurers are forcing patients to try and fail on multiple different prescription drugs before they can get what their doctor recommends. It is time to put patients first and pass step therapy reform in NJ. #ReformStepNJ**
- **Living with cancer, diabetes, HIV/AIDS, arthritis, psoriasis, heart disease, mental illness, multiple sclerosis, or other diseases and chronic conditions is hard enough. Patients need the right medicine at the right time. It is time for Step Therapy reform in NJ. #ReformStepNJ**
- **More than 50% of patients surveyed reported having to try two or more different drugs before getting the one originally prescribed by their health care provider. NJ patients need the right medicine at the right time. We need to #ReformStepNJ.**
- **1 in 3 cancer patients and caregivers report experiencing delays in their or their loved one's cancer care because their doctor was waiting on approval from their health insurance plan. Cancer patients need the right medicine at the right time. It is time to #ReformStepNJ.**



STEP THERAPY SAMPLE FACEBOOK POSTS

- NJ lawmakers just introduced legislation to ensure that patients can access the medicine that they need when they need them by reforming step therapy in NJ. S.3051/A.4815 will ensure step therapy protocols are based on medical and clinical practice guidelines, create a clear and expeditious process to request a medical exception, and provides a protocol for a patient to override their insurer. #ReformStepNJ Learn more at fightcancer.org/NJSTEP
- Too many insurers are forcing patients to try and fail on a different prescription drug before they can get what their doctor recommends. We need step therapy reform in New Jersey. S.3051/A.4815 will ensure step therapy protocols are based on medical and clinical practice guidelines, create a clear and expeditious process to request a medical exception, and provides a protocol for a patient to override their insurer. #ReformStepNJ Learn more at fightcancer.org/NJSTEP
- Did your insurance company require you to try a different prescription drug before you were able to get what your doctor recommended? We want to hear your story. Visit fightcancer.org/NJstepstories #ReformStepNJ
- Step Therapy (aka Fail First) requires patients to try, and fail, on one or more prescription drugs chosen by their insurers-not their doctor-before gaining access to the drug that was recommended to treat their condition. Requiring a patient to try and fail on multiple drugs rather than approving the drugs that their doctor recommends puts the health of patients at risk. Learn more at fightcancer.org/NJSTEP. #ReformStepNJ
- Living with cancer, diabetes, HIV/AIDS, arthritis, psoriasis, heart disease, mental illness, multiple sclerosis, or other diseases and chronic conditions is hard enough. Patients need the right medicine at the right time. It is time for Step Therapy reform in NJ. #ReformStepNJ
- More than 50% of patients surveyed reported having to try two or more different drugs before getting the one originally prescribed by their health care provider. #ReformStepNJ Learn more at fightcancer.org/NJSTEP
- While step therapy is appropriate in some instances, there needs to be protocols in place that are based on clinical guidelines developed by independent experts. #ReformStepNJ Learn more at fightcancer.org/NJSTEP
- 1 in 3 cancer patients and caregivers report experiencing delays in their or their loved one's cancer care because their doctor was waiting on approval from their health insurance plan. Cancer patients need the right medicine at the right time. It is time to #ReformStepNJ. Learn more at fightcancer.org/NJSTEP



Hon. First, Last Name
New Jersey State Legislature
City, State, Zip

Date

Sample Letter/Email #2 to Lawmakers in Support of S.3051/A.4815

Dear Senator/Assemblymember,

I'm writing today as your constituent to ask you to cosponsor step therapy reform (A.4815-Conaway/S.3051-Vitali) to ensure prescription drug decisions are kept between a doctor and their patient and ensure that when step therapy is used in New Jersey it is safe for patients, clinically grounded, and, transparent to patients and health care providers.

Step therapy, often called “fail first,” is a process that requires patients to try and fail on one or more medications chosen by their insurer before they can access the optimal treatment recommended and prescribed by their healthcare provider. There is currently no clear step therapy exemption process in New Jersey. The current one-size-fits-all approach to controlling health care costs can lead to unnecessary delays, even denials, of care. This often causes New Jersey patients' health to deteriorate as they try and fail on medications that don't work for them. Requiring a patient to follow a step therapy protocol may have adverse and even dangerous consequences for the patient who may either not realize a benefit from taking a prescription drug, suffer harm from taking the wrong drug, and/or abandon their treatment.

A.4815/S.3051 protects patients by ensuring that fail first protocols are based on clinical guidelines developed by independent experts, establishing a basic framework for when it is medically appropriate to exempt patients from fail first, and ensuring that the exception process is transparent and accessible to patients and health care providers. I support this legislation because it appropriately balances the competing goals of protecting patients from adverse health outcomes and controlling healthcare costs.

I hope I can count on you to take a stand for cancer patients and make sure they get the medicine they need, when they need it, by becoming a cosponsor today.

Sincerely,



Sample Letter/Email to Supporters

Subject: Waiting...Worrying...Wondering

Dear,

No one likes waiting, but some waiting is worse than others. Imagine the stress of waiting, worrying and wondering if the medicine you were forced to try will work.

Right now, in New Jersey, a process known as step therapy or “fail first” is resulting in delays in cancer care. Under fail first policies, patients must try and fail on less expensive medicine before insurance will cover a more expensive option - even if your doctor believes the more expensive treatment will be more effective. Delays in care can lead to worsened symptoms and present a challenge for patients suffering from life-threatening or chronic diseases.

But hope is here. This week state lawmakers introduced a bill that would reform the step therapy process to ensure New Jersey patients get the right treatment at the right time.

Send your lawmakers a message today. Patients can't afford to waste time. Treatment decisions should be between a patient and their doctor.

(Link to: www.fightcancer.org/ReformStepTherapy)

Thank you,



Call Your State Lawmakers Today in Support of S.3051/A.4815

Hello my name is ***INSERT YOUR NAME*** and I am calling from ***INSERT YOUR TOWN/CITY***.

I am calling today as your constituent to ask you to co-sponsor/or support **S.3051/A.4815**. This critical legislation will put patients first by reforming step therapy practices in New Jersey.

For too long patients have been forced to try, and fail, on one or more prescription drugs chosen by their insurance company - not their healthcare professional - before gaining access to the drug that was recommended to treat their health condition.

It is time to put patients first and implement common sense reforms to Step Therapy in New Jersey. Please co-sponsor/or support **S.3051/A.4815**.

**For more information contact michael.davoli@cancer.org
(212) 237-3853) www.fightcancer.org/NJStep**

Did your insurance company require you to try a different prescription drug before you were able to get what your doctor recommended?



Share Your Story

Your story is so important, and we want to hear from you!

Access to medical treatments, prescriptions and therapies is critical to reducing suffering and death from cancer and other chronic illnesses. Yet too many patients face out-of-pocket costs, insurer policies and other barriers that can delay access to services that treat, manage and prevent the disease. Sharing the stories of patients who have experienced these barriers helps our lawmakers understand why it is critical to protect patients from these unnecessary hardships.

Patient Stories—Are you a patient who was required by your insurance company to try and fail on a different prescription drug before you were able to get the drug that your doctor recommended? We need to hear your story.

Caregiver—Did you have a loved one who was required to try and fail on a different prescription drug before they were able to get the drug that their doctor recommended? We need to hear your story.

Health Care Provider Stories—Are you a health care provider who was overruled by your patient's insurance company? We need to hear your story.

If you've experienced a barrier to accessing a prescription drug or treatment that you needed, please share your story with us. Or, if you know someone who might have a story to share, take a moment to forward this to them. With your help, we can show policymakers the dangers of these barriers and once and for all regulate the use of step therapy/fail first policies.

Send your story to maggie.lopez@cancer.org or submit it online at www.fightcancer.org/njstepstories

Share Your Story

Your story is so important, and we want to hear from you!

First & Last Name: _____

City, State, Zip: _____

Phone: _____

Cell _____

Email: _____

What type of primary insurance do you currently have?

☐ Private through my employer ☐ Private/not through my employer

☐ Medicaid ☐ Medicare ☐ Not sure ☐ Rather not say

Summarize your story:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Consent (please initial below)

___ I affirm that I am at least 18 years of age and acknowledge that I have read and agree following terms and conditions which include, but are not limited to, allowing ACS CAN to use my story, name and picture on its web site, in emails and for other legislative, media and promotional purposes. Read ACS CAN's privacy statement at www.fightcancer.org/privacy-policy

