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Memorandum in Support

S.2677 (Breslin)/A.463 (McDonald)

AN ACT to amend the insurance law and the public health law, in relation to requiring notice of adverse step therapy determinations.

The Mental Health Association in New York State, Inc. (MHANYS) supports S.2677/A.463, which would require notice of an adverse determination related to a step therapy protocol override determination request to the patient and their prescribing healthcare professional.

Providing information on step therapy protocols allows patients to make informed decisions when selecting a health plan. It also allows patients and health care professionals to more easily request step therapy overrides and appeals and plan for efficient treatment. Timeliness is critical for the treatment of psychiatric conditions. Most patients with these conditions have already delayed treatment for on average of 10 years from the first onset of symptoms for a variety of reasons, including lack of knowledge about mental health early detection, and long wait periods in obtaining a provider. Many psychiatric medications require weeks and sometimes months to begin showing efficacy. Others have complex side effect profiles that are particularly challenging to prescribe when other illnesses or disorders are co-morbid. The application of step therapy protocols further delays optimal medication selection to maximize efficacy. Subjecting patients to sequential trials of medications in a step therapy fashion can unnecessarily postpone recovery. Timely and transparent notification of adverse determinations provides patients with the opportunity to appeal these decisions and secure denial overrides, thus mitigating any further, unnecessary delays in optimal treatment.

MHANYS believes that consumers and their prescribing healthcare professionals should have access to clear, transparent and prompt information about adverse determinations. This information will aid in the selection of optimal health plans and facilitate step therapy overrides and appeals. We urge the Legislature to pass this legislation into law.

Healthy Minds For A Healthy New York

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