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*Board Chair*

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## **Memorandum in Support**

S.2800 (Breslin)/A.1384 (McDonald)

*AN ACT* to amend the insurance law and the public health law, in relation to enhanced disclosure of step therapy override requests and determinations; and to repeal certain provisions of such laws relating thereto.

The Mental Health Association in New York State, Inc. (MHANYS) supports S.2800/A.1384, which would require insurers and utilization review agents to report to the Department of Financial Services (DFS) and require insurers and certain health organizations to make publicly available certain information on step therapy override requests, appeals, and their outcomes. This law would require disclosure of non-confidential information regarding step therapy override requests and determinations on a website that is readily accessible to the public. Making this information available enables patients, providers and policy makers to monitor the data for potential violations of the law and opportunities for improvement.

MHANYS works to improve the lives of individuals, families, and all communities in New York State by raising mental health awareness, ending stigma and discrimination, and promoting wellness and recovery. MHANYS is opposed to step therapy practices, which we believe undermine the optimization of medication selection and often results in treatment non-adherence and the resulting consequences of relapse such as re-hospitalizations, substance abuse and even homelessness.

Psychopharmacology is a highly individualized prescribing practice that is most effective when left to the judgment of prescribing physicians (most often a psychiatrist) and their patients. We believe that step therapy is not in the therapeutic best interest of patients and often unnecessarily prolongs the search for the right medication for the individual. Delays in the receipt of the most effective medications can result in real harm to the patient, and in some cases may result in unnecessary ER visits or expensive hospitalizations.

The current New York step therapy law requires insurers to make an override determination if certain criteria are met. However, more than half of surveyed health care professionals do not believe that the current law made a significant difference in the frequency of step therapy exception denials, according to Aimed Alliance. In addition, almost half of respondents reported that plans frequently required patients to try and fail on the same medication more than once, in violation of current law.

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Reporting requirements help keep insurers accountable and are essential to understand whether insurers are complying with the law. It also allows patients and providers equal access to information. Publication of step therapy data also provides the patients, health care professionals, and policymakers the opportunity to identify potential violations of the law and room for improvement.

For the aforementioned reasons, MHANYS supports S.2800/A.1384 and urges the Legislature to pass it into law.