

INCREASE STEP THERAPY GUARDRAILS

S.1267/A.901

Current Law

On December 31, 2016, New York passed a step therapy law, which requires:

- Utilization review agents to use evidence-based and peer reviewed clinical review criteria when establishing a step therapy protocol;
- The clinical review criteria to be appropriate for the patient's medical condition when conducting the utilization review; and
- Timelines for approving exception requests within 24 and 72 hours.

An exception request must be approved within 72 hours if:

- The required treatment is likely to cause harm to the patient; or
- The required treatment is expected to be ineffective; or
- The patient is stable on a treatment; or
- The required treatment is not in the patient's best interest.

An exception request must be approved within 24 hours if a patient has a medical condition that places his or her health in serious jeopardy without treatment prescribed by the patient's health care profession.

2023 Proposed Amendments

Building on the 2016 requirements. S.1267/A.901 would prohibit plans and utilization review agents from requiring the following when establishing a step therapy protocol:

- Stepping through an off-label medication;
- Trying and failing on more than one drug before covering the prescribed medication;
- Using the insurance plan's preferred drug for longer than 30 days;
- Imposing step therapy in the patient has been on the prescribed drug within the past year;
- Repeating step therapy for a prescribed drug if the patient already completed step therapy for the drug under a prior health plan; and
- Imposing step therapy for a previously approved drug after the plan implements a formulary change impact the prescribed drug.

Additionally, this legislation would require plans to:

- Accept an attestation from the patient's prescriber that the required drug has failed as evidence of such failure; and
- Honor a step therapy override for 12 months following an override approval or renewal of the plan, whichever is longer.

The NY Senate has already passed S.1267

**PATIENTS NEED THE NY ASSEMBLY
TO ACT NOW AND PASS A.901**

