



March 2, 2021

Chair Prusak, Members of the House Health Committee,

In 2020 we worked hard on HB 4102 to find an agreeable path forward on certain Prior Authorization and Step Therapy issues that have been difficult for everyone on both sides of the issue. Unfortunately, the amended version of HB 4102 did not move forward before the session ended.

We would very much like to get back to our similar neutral position on HB 2517, but the current draft of the bill has two small additions that were not a part of the agreed upon language in 2020. We request that the added language in section 6 (page 9 lines 7-14) be omitted from the bill.

(E) The prescription drug required by the step therapy is not in the best interest of the beneficiary based on medical necessity.

(d) Grant or deny a request for an exception to step therapy or an appeal of a denial of coverage no later than 72 hours after receipt of the request unless exigent circumstances exist. If exigent circumstances exist the entity shall respond no later than 24 hours after receipt of the request. A request for an exception to step therapy or an appeal of a denial of coverage shall be deemed granted if the entity fails to act within the time frames specified in this paragraph.

We believe adding a medical necessity exception will create less certainty over the exception process since there are often differing opinions over what is medically necessary. We had brought this issue up in the 2020 discussion and would urge the provision to be omitted again.

We also believe the 72-hour timeline is unnecessary and could create confusion. We continue to improve our Prior Authorization process to ensure that it is less abrasive, more automated, and timelier. Approving an exception though is not as easy to automate and we believe a mandated time period will create more abrasion for the patient. We fear that a specific 72-hour timeline would result in more rejections of the requested exception.

Thank you for your consideration. We hope you will make these changes to the bill so there is a fair and clear new Prior Authorization and Step Therapy process in Oregon moving forward.

Sincerely,
Vince Porter
Director of Government Affairs