

December 4, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington DC 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington DC 20510

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
1236 Longworth House Office Building
Washington DC 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
2468 Rayburn House Office Building
Washington DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

Thank you for your leadership in addressing patient access and the high cost of healthcare in the 116th Congress. On behalf of the many patients and healthcare providers negatively impacted by medically inappropriate step therapy or “fail first” requirements in health insurance plans, we write to urge Congress to pass legislation to institute sensible guidelines for using such protocols in federally-governed ERISA plans.

Step therapy has resulted in severe and irreversible health outcomes for many patients. There is an urgent need to pass reform so patients and their providers can access an appeals process to make a medically reasoned case to get to the right treatment at the right time, and so that fewer patients are hurt by delays in receiving appropriate care and treatments.

We are pleased that a bipartisan group of 170 lawmakers have sponsored or cosponsored the Safe Step Act (HR 2279 and S 2546) this Congress. This legislation would:

- Ensure that employer-sponsored prescription drug plans under ERISA have a clear process for beneficiaries and healthcare providers to request exceptions to medically inappropriate step protocols;
- Specify circumstances in which such exceptions should be granted; and
- Require responses to exception requests by payers within 24-72 hours.

The Safe Step Act complements laws enacted by more than half of all states to provide similar protections against inappropriate use of step therapy protocols within the individual marketplace and state-sponsored plans. This bill is urgently needed because without it, people enrolled in ERISA plans and their healthcare providers are forced to navigate often confusing and time-consuming administrative processes to pursue exceptions to step therapy protocols.

For those impacted by serious diseases and conditions, time spent contending with these processes can and often result in a worsening of their conditions to the point in which more intensive – and more costly – medical procedures are needed. In many cases, patients experience severe and irreversible harm.

We urge you to address this problem by enacting this bipartisan legislation in the 116th Congress. Absent action this year, we urge you to commit to promptly advancing the Safe Step Act early in the 117th Congress. For additional information, please contact Hannah Lynch with the National Psoriasis Foundation at hlynch@psoriasis.org, or Sarah Buchanan with the Crohn's & Colitis Foundation at sbuchanan@crohnscolitisfoundation.org. Thank you for your consideration of our views.

Sincerely,

Aimed Alliance
Allergy & Asthma Network
Alliance for Patient Access
American Academy of Dermatology Association
American Academy of Neurology
American College of Gastroenterology
American College of Rheumatology
American Gastroenterological Association
American Liver Foundation
American Partnership for Eosinophilic Disorders
American Society for Parenteral and Enteral Nutrition
Arthritis Foundation
Association of Clinical Oncology
Association of Gastrointestinal Motility Disorders (AGMD)
Beyond Celiac
Chronic Disease Coalition
Color of Crohn's & Chronic Illness
Community Liver Alliance
Crohn's & Colitis Foundation
CURED Nfp
Digestive Disease National Coalition
Digestive Health Physicians Association
Epilepsy Foundation
Fabry Support & Information Group
Gastroparesis: Fighting for Change
GBS|CIDP Foundation International
Global Healthy Living Foundation
Good Days

Hemophilia Federation of America
Hope Charities
IBDMoms
International Foundation for Gastrointestinal Disorders
Lupus and Allied Diseases Association, Inc.
Mental Health America
METAvivor
Metro Maryland Ostomy Association
Multiple Sclerosis Association of America
National Alliance on Mental Illness
National Alopecia Foundation
National Eczema Association
National Infusion Center Association (NICA) and Infusion Access Foundation (IAF)
National Multiple Sclerosis Society
National Pancreas Foundation
National Patient Advocate Foundation
National Psoriasis Foundation
Patient Services, Inc.
Project Sleep
Pulmonary Hypertension Association
Society of Gastroenterology Nurses and Associates, Inc.
South Carolina Gastroenterology Association
Susan G. Komen
The Community Liver Alliance
The Leukemia & Lymphoma Society
The Oley Foundation
Tourette Association of America
U.S. HAEA
U.S. Pain Foundation
United for Charitable Assistance
United Ostomy Associations of America
US Hereditary Angioedema Association
WomenHeart: The National Coalition for Women with Heart Disease

Cc: The Honorable Lamar Alexander
The Honorable Patty Murray
The Honorable Bobby Scott
The Honorable Virginia Foxx