



Our Vision: No Life Limited by Pain

January 25, 2016

Committee on Public Health and Welfare
Mary Pilcher-Cook, Chair
Kansas Senate
Topeka, Kansas

Re: Written Testimony for SB 341

Senator Pilcher-Cook and Members of the Committee on Public Health and Welfare:

My name is Amy Goldstein, and I am Director of the State Pain Policy Advocacy Network (SPPAN), a project of the American Academy of Pain Management. I reside in Overland Park, Kansas, and am testifying in opposition to SB 341 on behalf of both patients who are living with serious, painful conditions and the healthcare providers who care for them. The Academy has been tracking the challenges faced by people with pain since 2011. Barriers are consistently being erected that impede access to care and deny people their rights for optimal health. If passed, SB 341 would *remove* existing protections against the use of step therapy at a time when nearly every other bill across the nation addressing step therapy is doing so to *add* protections against the use of inappropriate step therapy practices.

SPPAN is a network of leaders from organizations that represent providers, patients, and policy-focused groups. Advocating for protections against the use of step therapy garners high agreement from our stakeholders as an essential component of person-centered care. We have worked closely with numerous health care professional organizations, such as the American Medical Association, American Association of Nurse Practitioners, and Alliance for Patient Access, as well as numerous patient advocacy organizations, to advocate for step therapy reform.

Step therapy policies, also known as “fail first” policies, are commonly used by insurance companies and other pharmacy benefit managers as a way of controlling the costs and risks associated with prescription drugs. In essence, these policies require the safest and least expensive drug in any class to be prescribed to a patient first, even if a patient’s physician, using their medical judgment, believes that another therapy is in the patient’s best interest.

A troubling and dangerous trend is health plans’ frequent denial of providers’ requests for proven and effective pain treatments. Consequently, patients with serious and degenerative medical conditions are often forced to undergo an indefinite, painful, and often dangerous, process of trial and error before finally receiving the treatment originally recommended by their physician. In some cases, the process can cause patients’ medical conditions to deteriorate, increasing the need for more expensive

and invasive medical treatment in the future. What's more, patients' untreated pain increases the incidence of depression, non-compliance, and self-medication. Further, the step therapy process can increase the direct cost of health care due to increased hospital admissions, excessive use of emergency rooms, and even loss of employment. Indirect costs include lost wages and productivity of both people living with pain and their caregivers. Protocols that consider treatments' efficacy, safety, and cost (in that order) may be implemented, but no person with pain should be required to try an inordinate number of ineffective treatments.

We sincerely appreciate that you, our lawmakers, often must sit between a rock and a hard place, struggling to find answers that can meet the needs of everyone. Please pause here today, and think about the interests of Kansans to be able to access the care that is right for them. It can be anyone's mother, brother, wife, or child who needs individualized healthcare for a serious condition. The step therapy requirements that would be authorized by SB 341 do not discriminate—they will adversely affect people with lupus, multiple sclerosis, cancer, HIV/AIDS, Ehlers-Danlos syndrome, auto-immune disorders, and the list goes on and on.

Voting no on SB 341 will help to ensure that Kansans can receive the optimal treatment for their particular situation, as determined by their health care provider, which would result in an overall financial savings to the patient and the healthcare system. The people of Kansas are depending on you to advocate for their best healthcare decisions. I am happy to discuss this issue with you if necessary. Please feel free to contact me by email at agoldstein@aapainmanage.org or by phone at (913) 484-2120.

Sincerely yours,

Amy Goldstein
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