



Oppose Senate Bill 304

Senate Health and Welfare Committee

February 15, 2018

Submitted by Larrie Ann Brown, KS Legislative Counsel

Chairwoman Schmidt and Members of the Committee, thank you for the opportunity to submit testimony in opposition to Senate Bill 304.

Express Scripts is one of the nation's largest pharmacy benefits managers, managing the prescription drug benefit for 80 million Americans. We improve health outcomes by making the use of prescription drugs safer and more affordable. Express Scripts administers pharmacy benefits for Kansas employers, health plans, labor unions, Medicare beneficiaries, and TRICARE, the health plan for active-duty military, retired military and their dependents.

Thank you for the opportunity to submit testimony in opposition to Senate Bill 304, relating to step therapy protocols. Express Scripts believes step therapy programs provide value to our clients and patients while offering safe and effective lower costs medications. Express Scripts has concerns that a number of the bill's provisions and requirements will limit the safe and effective use of step therapy programs.

First, I believe it is important to mention that step therapy programs are designed and/or chosen by health plans and plan sponsors to meet their own individual needs. Express Scripts does not require clients to implement step therapy programs. Our clients choose to implement these programs because they provide high quality health care that employers and plan participants can afford.

Drug step therapy programs require that a member try a generic drug or lower-cost brand-name alternative drug before higher-cost non-preferred drugs, unless special circumstances exist. Express Scripts' independent Pharmacy & Therapeutics Committee (P&T), a group of 15 independent physicians and one pharmacist from active community and academic practices representing a broad range of medical specialties, review and approve the Drug Step Therapy programs. These members,

who are not employed by Express Scripts, are selected by the Committee based on their contributions to medical and pharmacy literature, national recognition in their specialty, involvement in clinical practice, and previous experience with P&T Committees. When developing a step therapy program, only drugs with similar safety and effectiveness are considered. The P&T Committee reviews clinical trials, medical guidelines, and peer reviewed journals to determine medications that would be good candidates for step therapy programs. Only after a drug is determined safe and effective to treat the condition are cost implications considered. The use of step therapy substantially increases the use of FDA approved, lower cost alternative brand and generic medications.

Express Scripts step therapy programs require a member to first try a preferred lower cost generic or preferred brand medication. Our analysis shows that over 90% of patients that start on a preferred drug stay on the preferred drug; once a patient starts on a drug in the correct therapy class, they rarely need to change. Additionally, it is important to note, Express Scripts does not require a patient try a first line medication for a certain period of time before moving to the second line medication.

Express Scripts has an override/exception process to allow a patient to receive their medications, when a physician believes there are clinically valid reasons to bypass the step one agent.

By focusing on clinically safe and effective medications, Express Scripts is able to provide substantial savings for our patients and plan sponsors.

We believe that Section 1(b) of the bill would essentially neuter the independent role of our P&T Committee and Section 1(c) would establish exceptions that are potentially so broad as to severely limit the effective use of our step therapy programs.

Express Scripts respectfully opposes SB 304.