Legislative Briefing

OHA Health Policy Action

Your guide to proposed health legislation, what we think about it, and what we're doing about it.

March 2013

S.B. No. 857; *An Act Concerning the Use of Step Therapy for and Off- label Prescribing of Prescription Drugs*

What is this bill about?

Step therapy is an approach to prescribing intended to control costs by beginning with the most cost-effective and safest drugs and progressing to more costly therapies only if necessary. S.B. 857 permits health insurance plans to require patients to use therapeutically equivalent generic drugs prior to using a brand name prescription. Generic drugs are deemed "bioequivalent" by the FDA, which means they have the same amount of active ingredient as counterparts as demonstrated on healthy volunteers. Generic medications are generally much less expensive than brand name and create significant health care savings.

However, step therapy may have implications, especially for those prescribed medication for mental illness. A review of studies comparing bioequivalence and therapeutic effectiveness of generic vs. brand psychoactive drugs concluded that bioequivalence and effectiveness are not necessarily the same, and recommended more rigorous testing for tolerability and efficacy in actual patients – not just healthy volunteers (Borghein, 2003)

What are the implications of this bill for healthcare consumer advocacy?

Patients, especially mental health patients, prescribed generic medications may have difficulty getting authorized for brand name drugs if the generic is not therapeutically effective.

Please refer all media, agency, and legislator inquiries to Vicki Veltri

Talking Points

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2 This bill will permit health insurance plans to require patients to use therapeutically equivalent generic drugs prior to brand name.

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OHA represents the collective voice of 3.5 million healthcare consumers. For our state to be competitive, our people must be healthy. Our mission is to • assure managed care consumers have access to medically necessary healthcare • educate consumers about their rights and responsibilities under health insurance plans • inform legislators of problems consumers face in accessing care and propose solutions to those problems.