SLS 19RS-938 ORIGINAL

2019 Regular Session

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SENATE CONCURRENT RESOLUTION NO. 52

BY SENATOR BARROW

CONGRESS. To memorialize the United States Congress to review the recent decision by the Center for Medicare and Medicaid Services (CMS) to allow for Step Therapy for Part B treatments.

A CONCURRENT RESOLUTION

2	To memorialize the Congress of the United States to review the recent decision by the
3	Center for Medicare and Medicaid Services (CMS) to allow for Step Therapy for
4	Part B treatments.
5	Whereas, in 2012 CMS specifically prohibited Medicare plans from using Step
6	Therapy for Medicare Part B patients; and
7	WHEREAS, in 2018 CMS reversed this policy to allow for Step Therapy for
8	Medicare Part B patients; and
9	WHEREAS, Part B drugs are biologics specifically designed to treat patients with
10	severe and life-threatening diseases; and
11	WHEREAS, no type of biologic is exactly like another and each has inherently
12	different compositions and thus do not have the same effects, and can have different side
13	effects; and
14	WHEREAS, doctors specifically design and prescribe biologics to treat such serious
15	diseases as cancer, rheumatoid arthritis, lupus, macular degeneration, Crohn's disease,
16	neurological disorders, and others; and
17	WHEREAS, allowing for Step Therapy to replace specific prescriptions will result
18	in a decrease in therapy choices for patients; and

WHEREAS, Step Therapy can allow forcing patients to use potentially less effective
drugs first, thus allowing for worsening conditions for patients; and
WHEREAS, Step Therapy can potentially undermine the patient-doctor relationship
by hindering the doctor's ability to prescribe drugs their patients need in a timely manner;
and
WHEREAS, this new CMS Step Therapy policy actually hinders the positive effects
of competition because it rations patients' access to certain treatments without creating real
competition; and
WHEREAS, patients will not be given the ability of informed consent prior to
receiving a Step Therapy replacement treatment; and
WHEREAS, CMS has not provided guidelines or protections for patients who wish
to have the specific treatment prescribed by their doctor in lieu of Step Therapy; and
WHEREAS, there is a lack of clarity from CMS about treatment "grandfathering",
thus creating uncertainty for many patients to have the ability to continue treatments with
their ongoing therapies.
THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
memorialize the Congress of the United States to thoroughly review the recent decision by
the Center for Medicare and Medicaid Services (CMS) to allow for Step Therapy for Part
B treatments and patients and provide oversight over this new CMS policy on Step Therapy.
BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
to the secretary of the United States Senate and the clerk of the United States House of
Representatives and to each member of the Louisiana delegation to the United States
Congress.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Linda Nugent.

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Barrow

To memorialize Congress to review the recent decision by the Center for Medicare and Medicaid Services (CMS) to allow for Step Therapy for Part B treatments.