

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 116<sup>th</sup> Congress. Absent action this year, we urge you to commit to promptly advancing the Safe Step Act early in the 117<sup>th</sup> Congress. For additional information, please contact Hannah Lynch with the National Psoriasis Foundation at [hlynch@psoriasis.org](mailto:hlynch@psoriasis.org), or Sarah Buchanan with the Crohn's & Colitis Foundation at [sbuchanan@crohnscolitisfoundation.org](mailto: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