



State of Your Health:

How the New Law in Texas May Impact You

In 2017, Texas passed legislation to address step therapy practices and the law went into effect in 2018.

First, let's define step therapy.

Step therapy is a practice used by insurers that requires people with arthritis to try lower-cost medications before permitting more expensive treatments, even when the doctor wants to prescribe them. In other words, more expensive and effective drugs can only be prescribed if the cheaper ones prove ineffective.

How does this new law address step therapy in Texas?

This new law increases the ability of the patient's health care provider, not the insurance company, to make important decisions about a patient's treatment.

Specific components of the law include:

- ▼ If an insurer denies a request, they must provide a reason within 24 hours for an urgent healthcare situation and 72 hours for non-emergencies
- ▼ Medical exceptions shall be approved if:
 - the required drug is contraindicated (meaning the drug may be harmful to the patient)
 - the required drug is expected to be ineffective based on known relevant physical or mental characteristics of the patient and the known characteristics of the drug regimen
 - the treatment is not in the best interest of the patient, based on medical necessity
 - the patient has tried and failed under current or previous insurance, and the doctor submits evidence of failure or intolerance
 - the patient is stable on prescription drug selected by his or her health care provider

Who benefits from this new law?

This law is not applicable to patients who have Medicare, Medicaid or ERISA-protected, self-insured plans. To learn if you are covered, contact your insurer and provide your policy number.

What should I do if I experience step therapy in Texas?

If you are experiencing a barrier to care, you should contact your insurance commissioner, who can help address your situation. You can easily find instructions on how to appeal, request an external review or file a complaint with your commissioner by going to <https://coveragerights.org/texas>. You can also call the Department's Consumer Helpline at (800) 252-3439.