September 4, 2019

Hon. Andrew M. Cuomo, Governor
State of New York
Executive Chamber
State Capitol
Albany, New York 12224

RE: S.2849-A (Breslin) same as A.2969-A (Peoples-Stokes)

Dear Governor Cuomo:

We the undersigned organizations write to urge you to sign S.2849-A/A.2969-A into law. This bill would prohibit a health care plan from making prescription drug formulary changes during a contract year, and requires notification of changes in the formulary in the upcoming contract year. This is a much-needed patient protection measure.

Currently, under New York State law, insurance companies are able to make multiple changes to the prescription drug formulary during a contract year. These changes can have a devastating impact on patients, who face higher costs as a result. Patients may need to choose between paying more out of pocket and switching to a different, and possibly less effective, drug to reduce the impact on their finances. If a patient is forced to switch their current medication due to changes in their coverage, this can have adverse health outcomes, including less effective treatment and negative side effects.

We know that many consumers choose their health plan based on prescription drug coverage, particularly patients with multiple chronic conditions. When they make this choice, they are locked into that health plan for the remainder of the contract year, though there is nothing in law that compels the health plan to stick to their end of the contract.

This bill will ensure that patients are able to stick to their budget and their care plans, while still allowing for innovations in the prescription drug market. New medications, as well as generics and biosimilars, will be able to be added to drug formularies under this bill. This will allow patients to switch to new medications in consultation with their doctors, and allows lower cost generic drugs to replace brand name drugs when they enter the market.

We are confident that this bill will not increase consumer costs. Health plans enter into multi-year drug price protection agreements with Pharmacy Benefit Managers (PBMs), and have accounted for drug costs through the plan year before a plan is marketed to consumers. Additionally, other states such as California, Illinois, Louisiana, Maine and Nevada have implemented similar laws and have not experienced increased health care costs as a result.
This bill is a critical consumer protection measure that will ensure continuity of care and prescription drug price stability. We urge you to sign this bill into law.

Sincerely,

AARP New York
Aimed Alliance
Alliance for Patient Access
American Cancer Society Cancer Action Network
American College of Rheumatology
American Diabetes Association
American Heart Association
American Liver Foundation
American Lung Association
Arthritis Foundation
Asthma and Allergy Network
Center for Independence of the Disabled, NY
Cerebral Palsy Associations of NYS
Coalition of State Rheumatology Organizations
Epilepsy Foundation of Northeastern New York, Inc.
Global Healthy Living Foundation
Hispanic Health Network
Lupus and Allied Diseases Association, Inc.
Latino Commission on AIDS Hispanic Health Network
Medical Society of the State of New York
Mental Health Association in New York State, Inc. (MHANYS)
NAACP New York State Conference
National Infusion Center
National Multiple Sclerosis Society
National Patient Advocate Foundation
National Psoriasis Foundation
New York American College of Physicians
New Yorkers for Accessible Health Coverage
New York State Academy of Family Physicians
New York State Osteopathic Medical Society
New York State Rheumatology Society
Northeast Kidney Foundation
Patients Rising Now
Susan G. Komen
The National Alliance on Mental Illness-New York State (NAMI-NYS)
US Pain Foundation

cc: Hon. Neil Breslin, Senator
      Hon. Crystal Peoples-Stokes, Assembly Majority Leader