

COMMENTARY

Legislative wins set groundwork for future success

Publish date: July 16, 2021

By [Madelaine \(Mattie\) Feldman, MD](#)

IN COLLABORATION WITH  **CSRO**
COALITION OF STATE RHEUMATOLOGY ORGANIZATIONS

I receive updates and stories every day from rheumatologists and their offices regarding the egregious behavior of various health care entities that profit off patients and harm them in the process. If you know me, you know I'm willing to tell and retell horror stories of pharmacy benefit managers (PBMs), especially of how they construct formularies for the most profit, again, harming patients in the process. It's critical to serve as a voice to counter the PBM trade group, the Pharmaceutical Care Management Association, which continues to extol how PBMs are essentially saving our country billions ... one restrictive formulary at a time.

It does seem that we are constantly fighting against something:

patients or the employers paying for the coverage.

- Copay cards for medications that have no lower-cost alternative. These fill the coffers of the health plans without patients getting credit toward their deductible.
- Mandating that patients move from receiving their infusions under the watchful eye of their rheumatologist's office to home infusion. This has [been shown <https://onlinelibrary.wiley.com/doi/abs/10.1002/acr.24062>](https://onlinelibrary.wiley.com/doi/abs/10.1002/acr.24062) to be more dangerous for our patients.
- Wasting hours on prior authorization paperwork for needed medication. We know that these are nearly always approved, and thereby delay treatment unnecessarily.

By now you might wonder: “Where is the good news?” In spite of the daily barrage of battles that come our way, rheumatologists continue to do good and improve the lives of our patients. I would go as far as to say that we are prospering in spite of the challenges. Why? Because every day there are wins. Seeing that smile for the first time on the face of a patient who finally has answers and a treatment plan for their newly diagnosed RA. Walking out of the exam room and having patients and their parents give you a hug. Helping a dad be able to walk his daughter down the aisle with ease. On the clinical front, I don't have to tell you: We score wins every single day.

There is good news on the advocacy side, too. In my own state of Louisiana, this legislative session, we passed a number of bills that are beneficial to our patients, including a [bill <https://legiscan.com/LA/bill/SB94/2021>](https://legiscan.com/LA/bill/SB94/2021) to stop the aforementioned attacks on copay assistance by state regulated payers. We even blocked [one <https://legiscan.com/LA/bill/HB495/2021>](https://legiscan.com/LA/bill/HB495/2021) that the Rheumatology Alliance of Louisiana felt would be harmful to our patients. The

physicians when medication access is unnecessarily restricted by step therapy. While there has been some doubt as to whether these state laws actually work, I can attest that the [new Louisiana step therapy law](http://legis.la.gov/legis/Law.aspx?d=727112) <<http://legis.la.gov/legis/Law.aspx?d=727112>> has allowed stable patients to remain on their medication in a number of specialties, including rheumatology and ophthalmology.



Dr. Madelaine Feldman

My own state of Louisiana is not the only one where the rheumatology community has seen legislative successes, and that speaks to the strength of the network that rheumatologists have built within their states and across the country, as well as our passion for our patients. Just 3 years after the emergence of accumulator programs, 11 states have already seen fit to curtail their use (Arizona, Arkansas, Connecticut, Georgia, Illinois, Kentucky, Louisiana, Oklahoma, Tennessee, Virginia, and West Virginia), and over 20 states considered adopting similar legislation this year. Reforms to the use of step therapy continue their drumbeat across the country, with three more states (Arkansas, Nebraska, and Oregon) having bills signed into law this year. [West Virginia](https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=2263&year=2021&sessiontype=RS) <https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=2263&year=2021&sessiontype=RS> took a bold step to reduce patient out-of-pocket costs at the point of sale by an amount commensurate with 100%

system, which is truly at the root of so many of the issues affecting our patients' care.

RELATED

[*How I got started in advocacy*](#)

At the federal level, rheumatologists engage both with Congress and the administration to ensure that our patients' voices are represented against very well funded and organized forces like insurers and PBMs. Rheumatologists weighed in on issues ranging from Medicaid payment policy, to copay accumulators in the exchanges, to creating transparency and fixing misaligned incentives in the pharmaceutical supply chain. We drive coalition engagement on issues of shared interest with other specialty and provider groups, such as extending a [moratorium on Medicare sequestration](#) [<https://www.congress.gov/bill/117th-congress/house-bill/1868>](https://www.congress.gov/bill/117th-congress/house-bill/1868) . We also engage on narrow issues as they arise: For example, I personally [testified before Congress](#) [<https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Feldman.pdf>](https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Feldman.pdf) that any proposed limitations on pharmaceutical samples must consider the fact that these samples can provide a critical bridge for patients waiting for their insurers to approve their needed medication. And, perhaps most importantly, we have defeated misguided and potentially devastating Part B payment reform models from the Innovation Center three separate times.

There is more work to be done. And to make it easier to find “Rheum for Action” in your daily work, the Coalition of State Rheumatology Organizations has tools on our website that summarize legislation and facilitate engagement

So yes, there is good news now, and more to come! I am optimistic that we will continue to see these advocacy wins, which will help to ensure that those hugs we share with our patients will continue long into the future.

Dr. Feldman is a rheumatologist in private practice with The Rheumatology Group in New Orleans. She is President of the [CSRO](https://csro.info/) , chair of the Alliance for Safe Biologic Medicines, and a past member of the American College of Rheumatology insurance subcommittee. You can reach her at rhnews@mdedge.com.

Copyright © 2021 Frontline Medical Communications Inc., Parsippany, NJ, USA. All rights reserved. Unauthorized use prohibited. The information provided is for educational purposes only. Use of this Web site is subject to the [medical disclaimer](#).