



February 13<sup>th</sup>, 2024

The Honorable Donna Bailey  
The Honorable Anne Perry  
Members, Committee on Health Coverage, Insurance and Financial Services  
Cross Building, Room 220  
100 State House Station  
Augusta, ME 04333

**RE: LD 2096 An Act to Ensure Access to Nonopioid, Nonnarcotic Medication for Acute Pain Relief; Opposed**

Chair Bailey, Chair Perry, and Members of the Committee,

On behalf of the Pharmaceutical Care Management Association (PCMA), we wish to share comments related to LD 2096. PCMA is the national association representing pharmacy benefit managers (PBMs), which administer prescription drug plans for millions of Americans with health coverage provided through large and small employers, health plans, labor unions, state, and federal employee benefit plans, and government programs.

Plans and PBMs rely on independent Pharmacy and Therapeutics (P&T) Committees, comprised of physicians, pharmacists, and other medical professionals to develop evidence-based guidelines used in drug management programs, including prior authorization and other utilization management tools—to ensure that these management controls do not impair the quality of care.<sup>1</sup> After safety and quality are considered, cost is evaluated. Sometimes, there are many drugs—multiple brand name drugs, and generic drug options—that treat the same condition. Typically, a generic is more affordable than its associated brand name drug, and when there are multiple brands in the class, there is typically one that has a lower net cost than the other(s). In this case, a utilization management program may require a prescriber to provide an explanation about why the more expensive drug is necessary.

The bill would require carriers to not establish utilization management requirements or quantity or frequency of use limits for the nonopioid, nonnarcotic drug that are more restrictive than the least restrictive requirements or limits for an opioid or narcotic drug for the same or similar management or treatment of acute pain. It is unclear what nonopioid, nonnarcotic drugs are being considered, as there are many different classes of drugs that can treat acute pain and behave much differently than opioids. What does the quantity level limit, step therapy, or conditions of coverage of a nonopioid, nonnarcotic have any direct relationship with a corresponding opioid? For example, opioids have no ceiling dose, yet antidepressants do. This bill would prevent a carrier from imposing prior authorization on the dosage of these antidepressants as it would be deemed more restrictive resulting in harming the patient.

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<sup>1</sup> Visante, 2023, "Increased Costs Associated with Proposed State Legislation Impacting PBM Tools," p. 8. <https://www.pcmanet.org/wp-content/uploads/2023/01/Increased-Costs-Associated-With-Proposed-State-Legislation-Impacting-PBM-Tools-January-2023.pdf>.



While prior authorization mainly focuses on dangerous side effects, contraindications, or medications that are often misused or abused, the cost of certain medications, especially when there are more affordable options in the market, must be a consideration. By helping to control costs through the use of prior authorizations, health plans are able to expand and provide adequate access to these types of life-saving medications. Many of the new nonopioid, nonnarcotic drugs on or coming to the market are very expensive, and this bill would limit the ability of a PBM to manage costs associated with those high-cost drugs. This bill would amplify the market share of nonopioid, nonnarcotic manufacturers and add costs to the overall healthcare system through premiums.

PBMs employ several programs aimed at curbing the abuse of opioids and helping those suffering from substance abuse disorder through education, minimizing early exposure, reducing inappropriate supply, and supporting chronic populations and recovery. PCMA appreciates your consideration of our opposition to LD 2096 regarding access to nonopioid, nonnarcotic medication to ensure that patients in Maine maintain affordable, reliable, and safe access to life-saving medications. Please do not hesitate to contact us if you have any questions or would like additional information.

Sam Hallemeier

A handwritten signature in black ink, appearing to read "S. Hallemeier", is positioned above the typed name.

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