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Testimony in Opposition to LD 178
An Act to Regarding Coverage for Step Therapy for Advanced Metastatic Cancer
February 5, 2025

Senator Bailey, Representative Mathieson, and Members of the Health Coverage, Insurance, and Financial Services Committee

My name is Dan Demeritt, the Executive Director of the Maine Association of Health Plans. Insurance coverages offered or administered by our member plans provide access to care and better outcomes for many of the Mainers who receive coverage through an employer plan or the individual market. Our mission as an association is to improve the health of Maine people by promoting affordable, safe, and coordinated health care.

Cancer related spending in the fifteen most prevalent cancer types surpassed \$156 billion in 2018 with medical supplies and nonphysician services, including chemotherapy drugs, accounting for the largest proportion of spending. New therapies are helping people with cancer live longer and better while also increasing the financial burden of cancer care.¹

Private health plans work to ensure patients receive appropriate necessary care and protect against unproven therapies and negative drug interactions.

Step therapy is a utilization management tool health plans deploy to provide patients with clinically appropriate, safe, and cost-effective care. In circumstances where multiple treatments exist, patients can be required to try clinically recognized first-line therapy before approval is granted by an insurer for a more complex or expensive treatment.

Not all approved cancer treatment requires step therapy.

Health plans develop medical policies and clinical guidelines that are consistent with the medical literature and recommendations of the National Comprehensive Cancer Network/National Cancer Institute (NCCN/NCI), a group responsible for developing chemotherapy guidelines.

¹ Understanding and Addressing Cancer Care Costs in the United States, Jama Network, October 2021
<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2784775>

Existing Maine Law: Protections and Exemptions

Maine's Health Plan Improvement Act already provides protections to ensure that step therapy review is based on clinical practice guidelines that are developed and endorsed by a multidisciplinary panel of experts. Plan members and their prescriber are also guaranteed access to a clear, accessible, and convenient process to request a step therapy override exemption.

Expedited decisions are made within 24 hours when the member's life, health, or ability to regain maximum function will be jeopardized by a delay in treatment.²

Clearly Define Advanced Metastatic Cancer: The bill as drafted includes a definition of advanced metastatic cancer that applies to any metastatic cancer. The definition should be narrowed to only apply to advanced metastatic cancers.

Existing Protections and Exemption for Associated Conditions: Cancer and its treatment can result in many associated health issues. As presented, the bill could eliminate the use of step therapy for any symptom or side effect that impacts the health of the patient based on the judgment of the health care practitioner.

The step therapy protections and override exemption process currently in Maine Law provide a sufficient path to approval for clinically appropriate treatments for associated conditions. If the Committee is interested in moving the bill forward, we encourage changes to clearly define intent and avoid unintended limitations on step therapy for less severe cases and other health conditions associated with the underlying cancer.

Thank you for your consideration of our concerns.

² Health Plan Improvement Act: <https://legislature.maine.gov/statutes/24-a/title24-Asec4320-N.html>