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October 18, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: GHLF Supports S.4111/A.4668 – Prohibits a health plan from making prescription drug formulary changes during a plan year

Dear Governor Hochul,

The Global Healthy Living Foundation (GHLF) is New York-based 501(c)(3) patient group that works to improve the quality of life for people with chronic disease. As a patient organization, GHLF represents thousands of chronically ill people in New York and across the country, many of whom have rheumatoid arthritis and take complex specialty drugs to manage their condition. We are pleased to see that Bill S.4111/A.4668 has passed in both the NYS Assembly and Senate, as this bill will protect New Yorkers from predatory “bait and switch” tactics from insurance companies, and we strongly hope that you will sign this bill into law as soon as possible.

Tens of thousands of New Yorkers with autoimmune conditions and other chronic illnesses rely on the expensive therapies that insurers label “specialty drugs.” Patients that use these types of drugs have complex disease profiles. Together with their physicians, they weigh treatment options based on disease progression, individual immunogenicity issues, lifestyle preferences (infusion vs. self-injected), and associated out-of-pocket costs. When patients in our community select an insurance plan, they often choose a plan based primarily on whether that plan offers their particular drug at an affordable out-of-pocket cost. With that in mind, you can understand how horrified our community members are when they are notified that their treatment is no longer available at the same copay or coinsurance rate and thus is no longer affordable after just months into their contract year.

Left with no other option, the patient is financially induced to switch to a new drug that the insurer has selected with a feasible out-of-pocket cost. The patient advocacy community recognizes this scenario as non-medical switching. Mid-year formulary changes may reduce costs for the insurer, but as a result, patients may experience additional side effects, symptoms, disease progression, and even relapse. Beyond this unnecessary suffering, non-medical switching can result in further medical appointments, emergency room visits, and even hospitalization, increasing overall healthcare utilization costs.

By prohibiting mid-year formulary changes and preventing disruptions to effective therapy, S. S.4111/A.4668 protects thousands of people from practices that could cause life-altering medical harm, including relapses of debilitating conditions. The negative effect of mid-year formulary changes and non-medical switching on patients is outsized compared with the small economic efficiencies realized by the insurance industry.

On top of the healthcare and coverage challenges brought on by Covid-19, patients have had to suffer through being non-medically switched throughout the pandemic. In December 2019, after being passed in both houses, former Governor Cuomo vetoed a non-medical switching bill, AB 2969-A. Now, with S.4111/A.4668, the opportunity to protect patients from non-medical switching is once again signed by both houses and awaiting a signature or veto.

On behalf of those too weak to speak and too sick to fight, we ask that you sign this desperately needed legislation into law. We strongly support S. S.4111/A.4668. We stand ready to connect you with members of our community who stand to benefit from adopting these protections.

Respectfully,

A handwritten signature in black ink, appearing to read 'Corey Greenblatt', written in a cursive style.

Corey Greenblatt, MPH
Manager of Policy and Advocacy
Global Healthy Living Foundation

