

MEMORANDUM OF SUPPORT

A04786 (Joyner) / S03484 (Golden)

April 20, 2017

The Lupus and Allied Diseases Association, the Lupus Alliance of Upstate New York, and the Lupus Alliance of Long Island / Queens strongly support legislation to amend the general business law, in relation to mail order pharmacies to provide New Yorkers with the ability to choose to fill prescriptions at a local retail pharmacy rather than a mail order pharmacy without incurring any penalties for filling prescriptions locally.

As patient stakeholders, we represent patients and loved ones who deal with serious chronic medical conditions on a daily basis and we support the proposed legislation as it would facilitate the prescription drug process by clarifying and strengthening provisions in current law to ensure that consumers have the option of accessing their medications from either a local pharmacy or by mail order. We are deeply concerned that without the recommended legislation existing restrictions will continue to be imposed on treatment options available to New Yorkers and jeopardize their access to lifesaving and life-enhancing medications.

Individuals with chronic, heterogeneous, complex, multi-system autoimmune diseases such as lupus and other diseases of unmet need require individually tailored treatments. Many of these individuals have multiple co-morbid conditions that require unencumbered access to the full array of treatments. Individuals with complex care needs like lupus require unique strategies to manage their care as specific response to any given treatment is not equal. Immunosuppressant drugs are not always equivalent; what is tolerable for one individual may not be in the next and there is no single medication that individuals respond to – treatment is highly individualized and no two people are alike.

Imposing extra requirements on network community pharmacies as a precondition for providing certain covered medications otherwise available by mail order establishes barriers to treatment and eliminates the guarantee that consumers have the choice of obtaining their covered prescription drugs from a local network participating pharmacy. Patients need open access to their medications in order to maintain consistent disease management. The current law severely limits patient choice, causes interruptions in existing drug therapy, delays patient access, denies care and causes harm. Disrupting continuity of care can result in detrimental life threatening consequences to the individuals who are the most vulnerable and can actually lead to more medical complications and higher health care costs.

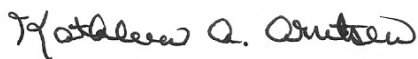
The proposed legislation prohibits:

- Requiring prescriptions for specialty drugs to be filled by a mail order pharmacy in order for such prescription to be covered by a prescription benefit plan.
- Requiring a prescription benefit plan enrollee remit a higher co-payment when a prescription is filled by a network retail pharmacy instead of a mail order pharmacy.
- Requiring a local retail pharmacy to agree to additional terms and conditions that go beyond the industry standard before the pharmacy can dispense specialty prescription drugs.
- The practice, by mail order pharmacies, of automatically refilling prescriptions without authorization from the patient or the patient's guardian.
- The practice, by mail order pharmacies, of retaining a customer's payment information for future use without express permission from the customer.

A04786 / S03484 would improve rates of medication adherence and thus, lower overall health and expenditures by allowing individuals with serious, chronic conditions to establish and maintain a relationship with a local pharmacy and receive in-store face-to-face counseling regarding the side effects, interactions, mechanisms of action and regimens of their drugs. The proposed legislation would also protect patient confidentiality and avoid potential discrimination from accidental disclosure due to unreliable mail order deliveries to incorrect addresses and business locations.

We applaud Assemblywoman Joyner and Senator Golden for their support and efforts to facilitate the prescription process and preserve consumer choice by removing existing barriers that network community pharmacies and patients must overcome by sponsoring A04786 / S03484. Many of these individuals already face enough adversities in their daily lives and do not need additional obstacles to further complicate their medical care. It is imperative that we protect New Yorkers' privilege to choose the manner in which they receive their medications. The proposed legislation would directly address the above issues and positively impact the health and well-being of New Yorkers affected by serious chronic diseases.

For the above reasons, we the undersigned strongly encourage the passage of this legislation into law and respectfully request your support.



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