

PLEASE SUPPORT HB23-1130 DRUG COVERAGE FOR SERIOUS MENTAL ILLNESS



By Representative Michaelson Jenet & Senator Robert Rodriguez

HOUSE FLOOR VOTE	SUPPORT	OPPOSE	EXCUSED
	57	3	5

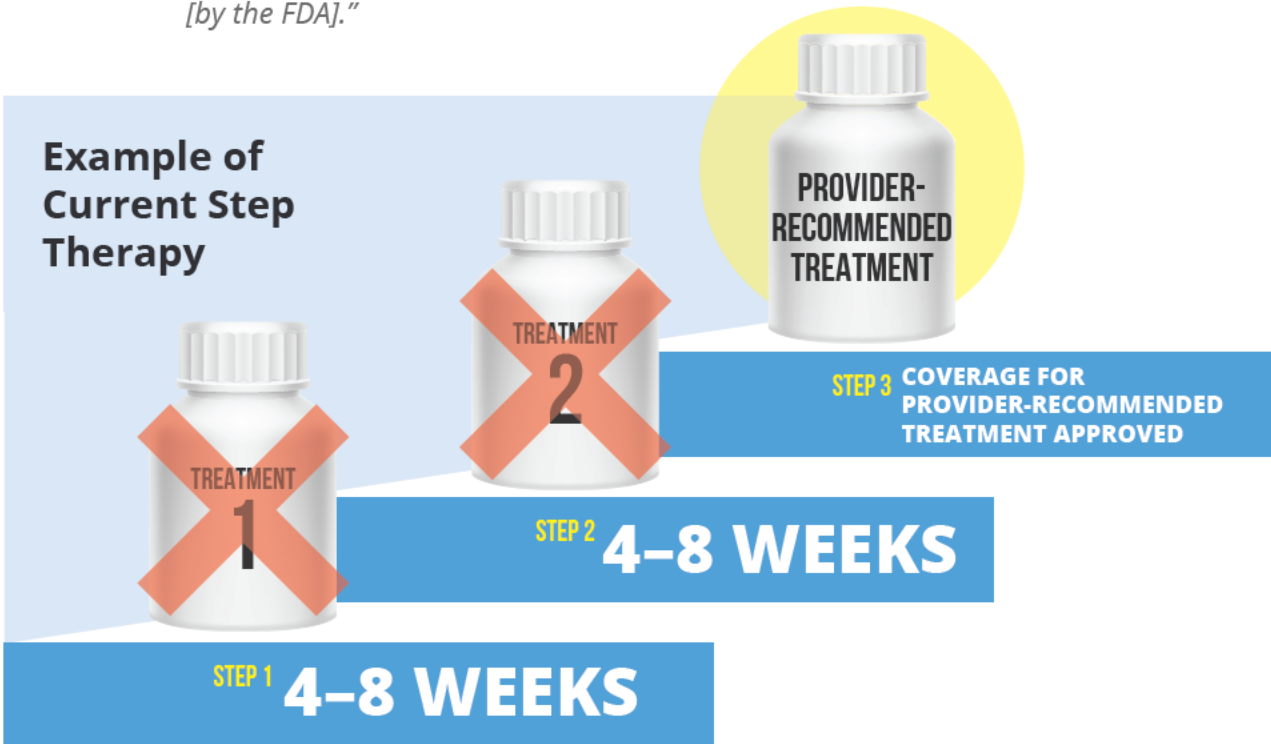
HOUSE BILL 23-1130:

Builds upon previously passed legislation by ensuring that patients suffering from a Serious Mental Illness (SMI) will only be required to try **one prescription drug prior to receiving insurance coverage for the drug recommended by the patient's provider** as part of a step therapy process:

- "A step therapy protocol shall not require a covered person to try more than one prescription drug prior to receiving coverage for the drug recommended by the covered person's health-care provider"¹

Creates a statutory requirement that the Healthcare Policy & Finance (HCPF) review any newly available SMI medication for **coverage and Preferred Drug List (PDL)** inclusion within 90 days of the drug's approval by the FDA. This change would ensure Medicaid recipients have access to potentially life-saving medication in a timely, equitable way, while also ensuring that doctors are able to prescribe the medication they believe is best suited for their patients as soon as possible upon the availability of such products.

- "...the state board shall require review for coverage a new drug approved for the treatment of serious mental illness within ninety days after the approval of the drug [by the FDA]."



1 HB23-1130 - [Drug Coverage For Serious Mental Illness](#) | Colorado General Assembly

The Issue – Barriers to Access to Mental Health Care in Colorado

Patients Need Protections to Avoid Multi-Step Fail-First Requirements. Step therapy is a process in which a patient must try one or more medications mandated by their insurance, or Medicaid, before coverage is granted for a doctor-prescribed drug. Forcing patients to verify the ineffectiveness of treatments is dangerous for those suffering from an SMI. These delays may cause health issues, decrease quality of life or lead to patients abandoning treatment, while also increasing the burden on providers due to unanticipated costs.

Recognizing that step therapy prevents access to potentially life-saving medication, Colorado enacted House Bill 22-1370: *Coverage Requirements For Health-care Products* in 2022. This legislation added layers of transparency to step therapy in commercial plans, including establishing bases for a mandatory step therapy override.² However, it did not eliminate step therapy or limit the number of drugs that must be tried prior to the insurance plan's coverage of a doctor-prescribed drug. **House Bill 23-1130 recognizes that there is additional room for improvement in expediting access to mental health treatment for patients suffering from SMIs.**

Colorado Medicaid PDL Review Process Creates Access Delays for Patients. In Colorado Medicaid, newly FDA-approved drugs are subject to review by the Colorado Department of Health Care Policy and Financing (HCPF) in collaboration with the Pharmacy & Therapeutics Committee and the DURB—which assist HCPF in determining Medicaid Preferred Drug List (PDL) status and prior authorization criteria. Rules regulating the PDL review process specify that access to these new drugs may be limited to prior authorization until review is completed. The statute does not establish a timeframe this review must take place. The process can take six months to a year depending on the drug class, imposing burdens on SMI patients seeking access to cutting-edge drugs for their conditions.

Although HCPF's 2022 regulations provide for a "preliminary evaluation" of new drugs in PDL classes within 30 days of commercial availability, other regulations could continue to make such drugs subject to prior authorization until the regular class-wide review, which can take up to a year. **House Bill 23-1130 would codify a more straightforward approach for SMI drugs under which such drugs must undergo a full review within 90 days of FDA approval.**

Why it Matters: Mental Health in Colorado³

23%

of Colorado adults have a mental illness

+50%

of Coloradans suffering from SMIs do not receive mental health treatment

+33%

of Coloradans suffering from SMIs did not receive treatment due to barriers such as cost

By facilitating speedier access to specialized care for those suffering from SMIs, House Bill 23-1130 reduces the financial burden on patients. Ensuring that patients suffering from an SMI must try only one treatment before obtaining coverage of the medication their doctor recommends, and that innovative new SMI treatments are reviewed for PDL inclusion in a timely manner, is economically sensible and potentially life-saving for Colorado's mental health patients.

Bill Supporters

Alliance for Patient Access

CO Behavioral
Healthcare Council

Colorado BioScience Association

Colorado Ethiopian Community

Colorado Hospital Association

Colorado Medical Society

Colorado Nurses Association

Colorado Organizations
Responding to AIDS (CORA)

Colorado Professional Fire Fighters

Colorado Psychological Association

COMBINE

Envision: You

Mental Health Colorado
NAMI Colorado

National Association of Social
Workers, Colorado Chapter

² Coverage Requirements For Health-care Products, HB22-1370, 2022 Reg. Sess. (Colorado 2022) <http://leg.colorado.gov/bills/hb22-1370>

³ Reinert, M, Fritze, D. & Nguyen, T. (October 2022). "The State of Mental Health in America 2023" Mental Health America, Alexandria VA.