



January 23, 2025

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Senator Judy Lee, Chair
Senate Committee on Human Services
Fort Lincoln Room
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Chair Lee and Members of the Senate Committee on Human Services,

The Dakota Oncology Society and Association for Clinical Oncology (ASCO) are pleased to support **SB 2249**, which would update and clarify existing statute related to step therapy procedures.

The Dakota Oncology Society is a professional society representing healthcare professionals in North Dakota and South Dakota who specialize in oncology. ASCO is the world's leading professional society representing physicians who care for people with cancer. With over 50,000 members, our core mission is to ensure that cancer patients have meaningful access to high quality, equitable cancer care.

The Dakota Oncology Society and ASCO are committed to supporting policies that reduce cost while preserving quality of cancer care; it is critical that such policies be developed and implemented in a way that does not undermine patient access. Payer utilization management approaches like step therapy protocols are of particular concern because they represent greater likelihood of raising barriers to appropriate care for individuals with cancer. While many treatments preferred by payers cost less, they may not be the best treatment available for the patient.

Step therapy or fail first policies can be particularly problematic for patients with cancer because they can significantly delay a patient's access to the best treatment available for their condition. While waiting to complete a "step," a patient with cancer may experience disease progression and irreversible damage to their overall health.

The Dakota Oncology Society and ASCO are pleased that SB 2249 would place guardrails around step therapy by:

- Updating the clinically justified circumstances for a patient and provider to override a step therapy protocol when the medicine required under that protocol is likely to cause an adverse reaction, is expected to be ineffective, or if the patient is experiencing positive outcomes on a different drug; and

- Ensuring timely access to care by requiring that a step therapy exemption request must be answered within 72 hours under urgent circumstances and within five calendar days under normal circumstance.

The Dakota Oncology Society and ASCO appreciate the steps that SB 2249 takes toward improving step therapy procedures in North Dakota, and we urge the Committee to pass this measure. Please contact Sarah Lanford at ASCO at Sarah.Lanford@asco.org if you have any questions or if we can be of assistance.

Sincerely,

Matthew Tinguely, MD
President
Dakota Oncology Society

Eric P. Winer, MD, FASCO
Chair of the Board
Association for Clinical Oncology