

Senate Human Services Committee

Judy Lee, Chair

Sixty-eighth Legislative Assembly of North Dakota

Senate Bill No. 2031 – Prescription Drug Reference Rate Pilot Program

January 16, 2023

Good morning, Chairwoman Lee and Members of the Senate Human Services Committee. I am Rachel Sinness, Legal Director and attorney for the North Dakota Protection & Advocacy Project (P&A).

P&A is an independent state agency. Its mission is to advocate for the human, civil, and legal rights of people with disabilities. P&A strives to ensure that every individual with a disability is provided the same benefits of the programs and services as all other North Dakota citizens.

P&A is here to offer neutral testimony regarding the prescription drug reference rate pilot program. Our initial review of the bill is one of hope and prudent, cautious examination. Many of our clients would benefit from the reduced cost of medications; however, P&A also wants to ensure that this bill will not have the effect of disparately impacting people with disabilities.

Some of the concerns raised include that, in the future, the effect of this bill would look to an outside, “expert” board to assess the value of drug treatments and tests. In doing so, the apprehension is that a quality adjusted life years (QALY) policy may be adopted, similar to that used by Canadian drug price-setting boards. While these policies look to cost-effective analyses, there is a concern that less attention would be

paid to patient-specific analyses, resulting in a potential discriminatory effect on people who have disabilities. People with disabilities sometimes seek treatments and interventions to help improve their quality of life, and some have a shorter life expectancy than people without disabilities. Any quality adjusted life year (QALY)-type methodology could be discriminatory against people with disabilities, because this methodology could result in prioritizing the treatment of a person without disabilities having a longer life expectancy over that of a person with a disability or a life-shortening chronic condition.

It is P&A's duty to ensure that individuals with disabilities are provided the same benefits as those without disabilities. In performing its duty, P&A asks that all assurances be made that qualified individuals with disabilities will benefit from lower prescription prices, while not being denied accommodating care or treatments. We look forward to the review of this bill in subsequent years to follow up and mitigate any unintended consequences.

Thank you, and I am happy to stand for any questions.