



New York State

March 23, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

The Honorable Carl E. Heastie  
Speaker of New York State Assembly  
1446 East Gun Hill Road  
Bronx, NY 10469

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader of New York State Senate  
188 State Street Room 907, Legislative Office Building  
Albany, NY 12247

**RE: Potential elimination of “prescriber prevails” protections for prescriptions for patients covered by Medicaid**

Dear Governor Cuomo, Assembly Speaker Heastie and Senate President Stewart-Cousins:

On behalf of the millions of Americans living with mental health conditions, their families and communities, the undersigned organizations are writing to respectfully request you withdraw the proposal to eliminate the “prescriber prevails” Medicaid statute from the 2021 budget. This important policy ensures that individuals with mental illness are able to access the most clinically appropriate drug for their condition even when it is not on a preferred drug list.

For many mental health consumers, access to the range of the newest and most effective medications is a crucial component of successful treatment and recovery. New advances in medications, and their combination with other services and supports, allow people with mental health conditions to lead healthy and productive lives in their communities. Prescriber prevails codifies a consumer’s ability to have access to lifesaving medications that have proven successful. Continuing this policy would protect patients and give providing prescribers the final determination authority for treatment.

In this time of crisis, we understand that the state is facing unprecedented fiscal challenges and many tough decisions for FY 2021. As you weigh these decisions, our organizations write to your offices to offer evidence that restricting access to mental health medications not only harms patients, providers and communities, but it does so at greater costs to the state.

Patients respond differently to different antidepressant and antipsychotic medications, and it can

often take several trials and many months to find an appropriate drug regimen that a patient responds to. A variety of published clinical studies document the adverse impacts that ensue when beneficiaries with mental illness experience delays or discontinuation of appropriate care. For example, a 2014 study found that formulary restrictions within the Medicaid program lead to worse outcomes for patients with major depressive disorder (MDD) including by increasing the probability of an MDD-related hospitalization by nearly 17 percent with no significant reductions to pharmacy or total spending. Importantly, there was no evidence that these restrictions resulted in any net savings for Medicaid.<sup>1</sup>

This finding underscores the fact that individuals need access to a full array of treatment options in order to achieve the best health outcomes in a cost-efficient manner. Given the impact these illnesses can have, we believe it is important to protect and provide medication that has proven successful for patients.

Our organizations support public policies that ensure that all consumers have access to the right treatments at the right time. For this reason, we strongly recommend that New York State maintain the prescriber prevails policy, protecting consumers' access to lifesaving medications.

Thank you for your timely attention to this important matter.

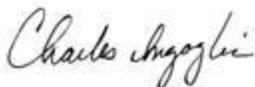
Respectfully,



Daniel H. Gillison, Jr.  
Chief Executive Officer  
National Alliance on Mental Illness (NAMI)



Wendy Burch  
Executive Director  
NAMI New York State



Chuck Ingolia  
President and CEO  
National Council for Behavioral Health



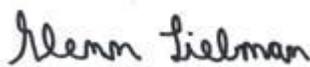
Lauri Cole  
Executive Director  
New York State Council for Community  
Behavioral Healthcare



Paul Gionfriddo  
President and CEO  
Mental Health America



Harvey Rosenthal  
Executive Director  
New York Association of Psychiatric  
Rehabilitation Services, Inc. (Albany, NY)



Glenn Liebman  
Chief Executive Officer  
Mental Health Association in New York State,  
Inc. (MHANYS)



Amy Dorin  
President and CEO  
The Coalition for Behavioral Health, Inc.

<sup>1</sup> Seabury, Seth, Lakdawalla, Darius, Walter, Deborah et al., "Patient Outcomes and Cost Effects of Medicaid Formulary Restrictions on Antidepressants," Forum for Health Economics and Policy, Volume 17, Issue 2, Pages 153–168, 2014.