



February 13th, 2026

New Hampshire House of Representatives

House Commerce and Consumer Affairs

Re: H.B.1638: Creating a Bypass Mechanism for Health Insurer Step Therapy Protocols

Dear members of the House Commerce and Consumer Affairs Committee,

On behalf of the EveryLife Foundation for Rare Diseases, we are pleased to submit testimony in support of HB 1638. The EveryLife Foundation for Rare Diseases is powered by the rare disease community to improve health outcomes by driving change through evidence-based policy, leading science-driven policy and regulatory research, activating the community to advocate for their rights and needs, and strengthening the rare disease community. Over 30 million Americans live with one or more rare diseases, 95% of which have no approved treatment. Rare disease patients and families navigate how to manage expenses from multiple inpatient and outpatient encounters, costs for prescription therapies and medical devices, and the support services that are critical for their health and well-being. The National Economic Burden of Rare Disease Study estimated that in 2019, the overall economic impact of rare disease in the U.S. exceeded \$966 billion.

Step therapy is a tool used by health plans to control spending on patient medications. Step therapy has negative impacts on patients, including delayed access to the most effective treatment, severe side effects, and irreversible disease progression. Currently, when a physician prescribes a particular drug treatment for a patient, the patient's insurance company may require them to try different medications and treatments before they can access the drug originally prescribed by their physician. This protocol is known as "step therapy" or "fail first." Patients like Leslie B. cite step therapy protocols as a major hurdle for patient access to medication writing, "It has been quite challenging at times to access the medications I need to treat my illnesses."



Step therapy protocols may ignore a patient’s unique circumstances and medical history. That means patients may have to use medications that previously failed to address their medical issues, or – due to their unique medical conditions – could have dangerous side effects.

Across the country, more than 30 states have passed legislation to limit step therapy. These bills are non-partisan, widely supported by legislation that have minimal economic impact on the state.¹ While step therapy is viewed as a policy to reduce insurers’ costs, there can be significant costs to patients as a result. When patients are required to fail first before accessing the treatments they were prescribed, they risk additional adverse medical events, doctor’s appointments, emergency room visits, and other associated costs that may offset any initial cost-savings for² insurers in the long run.☐

Please support HB 1638 to ensure that patients in New Hampshire can receive timely access to life-saving rare disease treatments.

Sincerely,

Dylan Simon
Senior Director of Policy
EveryLife Foundation for Rare Diseases

Kathryn Poe
State Policy Manager
EveryLife Foundation for Rare Diseases

CC:

Michael Pearlmuter, Chief Executive Officer, EveryLife Foundation for Rare Diseases

Annie Kennedy, Chief Mission Officer, EveryLife Foundation for

¹ SAIM Coalition. (2022, August 3). *Legislation by state | Learn more Today | SAIM Coalition*. <https://saimcoalition.org/saim-legislation-by-state/> For fiscal impact information, please see the fiscal notes of individually passed bills.

² Shan, D. M., Greenzaid, J. D., Greene, E., & Feldman, S. R. (2024). Analyzing the Benefits and Costs of the Safe Step Act on Patients, Physicians, and Insurers. *Journal of Psoriasis and Psoriatic Arthritis*, 9(3), 115–120. <https://doi.org/10.1177/24755303241253203>



Rare Diseases

Amy Gaviglio, Chair, Board of Directors, EveryLife Foundation for Rare Diseases