



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

**TESTIMONY IN SUPPORT OF HOUSE 990 AND SENATE 659
AN ACT RELATIVE TO REMOVING BARRIERS TO NON-OPIOID PAIN MANAGEMENT
BEFORE THE COMMITTEE ON FINANCIAL SERVICES
JUNE 26, 2023**

The Massachusetts Medical Society (MMS) is a professional association of over 25,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, to give them a better health care system, and on behalf of physicians, to help them provide the best care possible. To that end, the MMS wishes to be recorded in support of H.990 and S.659, An Act Relative to Removing Barriers to Non-Opioid Pain Management.

The CARE Act, signed by Governor Baker in 2018, required insurance coverage of non-opioid pain management alternatives. Coverage of pain medications that carry a lower risk of addiction or dependence is critical amidst the current opioid crisis. This bill would facilitate access to these lower risk pain medications by prohibiting insurers from requiring prior authorizations for such prescriptions, which act as a barrier.

Pursuant to the CARE Act, the Division of Insurance (DOI) issued guidelines indicating the minimum number of non-opioid pharmacologic pain management alternatives (such as lidocaine patches) and non-pharmacologic alternatives (such as physical therapy or acupuncture) that must be covered. This bill would require that the treatments covered by health insurers to comply with the CARE Act and subsequent DOI regulations would not be subject to prior authorization, which is often a source of undue delay to patients in pain. This would promote access to non-opioid pain management treatment by eliminating additional barriers, which is especially important given that most prescription opioids are not often subject to prior authorization. It should be just as easy to access lower risk pain medications than prescription opioids.

The misaligned incentives and barriers imposed by insurers for pain management treatment are well documented, including in the September 17, 2017 New York Times article, *Amid Opioid Crisis, Insurers Restrict Pricey, Less Addictive Painkillers*,¹ which outlines many instances of policies that discourage non-opioid pain management options. The underlying reason is often financial: opioid drugs are relatively inexpensive while safer alternatives can often be more expensive. That said, some Massachusetts insurers have taken steps to address this problem. For example, Blue Cross Blue Shield of Massachusetts covers acupuncture with no prior authorization since January, 2020. MMS commends this initiative and hopes more insurers will follow suit and continue the trend of increasing access to additional pain management treatments.

MMS believes this bill is aligned with two important priorities of the state: access to non-opioid pain management as part of a comprehensive response to the opioid crisis and the reduction of administrative barriers as part of the state's attention to health care cost containment. This bill addresses both aims and does so in a reasonable, incremental fashion by only prohibiting prior authorization for coverage that is specifically mandated pursuant to the relevant provisions of the CARE Act.

The MMS urges the Committee on Financial Services to report H.990 and S.659 out of Committee favorably.

¹ Available at <https://www.nytimes.com/2017/09/17/health/opioid-painkillers-insurance-companies.html>.