



OFFICE OF THE GOVERNOR

SEP 30 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 369 without my signature.

This bill would prohibit a health plan or insurer from requiring a patient to try and “fail” more than two medications before allowing a patient to have the pain medication prescribed by his or her doctor.

While I sympathize with the author’s good intentions, I am not convinced that this bill strikes the right balance between physician discretion and health plan or insurer oversight. A doctor’s judgment and a health plan’s clinical protocols both have a role in ensuring the prudent prescribing of pain medications. Independent medical reviews are available to resolve differences in clinical judgment when they occur, even on an expedited basis.

If current law does not suffice – and I am not certain that it doesn’t, any limitations on the practice of “step-therapy” should better reflect a health plan or insurer’s legitimate role in determining the allowable steps.

Sincerely,

  
Edmund G. Brown Jr.