

May 21, 2020

The Honorable J. Kevin Stitt  
Governor, State of Oklahoma  
Oklahoma State Capitol  
2300 N Lincoln Blvd.  
Oklahoma City, Oklahoma 73105

Dear Governor Stitt:

We are writing to express our strong support for the Nondiscrimination in Health Care Coverage Act, which has passed both the House and the Senate and is waiting to be signed. As organizations representing people with disabilities and serious chronic conditions, we have long had concerns about the use of metrics such as quality-adjusted life years (QALYs) by policymakers and payers to assess the value of treatments. Use of such metrics leads to flawed, discriminatory value assessments that threaten access to care for the communities we serve. They place a value on the life of a human based on their health status and assume every person will respond the same way to treatments. Methods for assessing value should meaningfully acknowledge diversity amongst all patients instead of perpetuating a “one-size-fits-all” mentality for determining value.

Historically, the QALY has been opposed by the American public and policy makers. In fact, there is currently a ban on use of the QALY or similar metrics in Medicare. In 1992, the first Bush administration established that Oregon’s efforts to utilize a QALY-based cost-effectiveness standard in Medicaid would violate the Americans with Disabilities Act (ADA). Therefore, we strongly support this legislation that would protect Oklahomans with disabilities from this same discrimination.

The National Council on Disability (NCD), an independent federal agency, also recently concluded that QALYs place a lower value on treatments which extend the lives of people with chronic illnesses and disabilities. NCD recommended that policymakers and insurers reject QALYs as a method of measuring cost-effectiveness for medical care. In fact, NCD recommends that QALYs be barred from use in state Medicaid programs. We are pleased that this legislation outlines a plan for prohibiting the state from developing or relying on discriminatory measures in determining health care recommendations and includes requirements for transparency of the evidence being used to determine utilization management strategies so that stakeholders have an opportunity to provide input and be engaged. We hope that you will sign this legislation to protect people with disabilities and serious chronic conditions that may otherwise experience discrimination in how they access treatment.

Sincerely,

American Association of People with Disabilities

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Disability Rights Education and Defense Fund

Progressive Independence

TARC

The Arc of the United States