Recommendation
Pass the Safe Step Act (H.R. 2279/S. 2546), which would amend the Employee Retirement Income Security Act of 1974 (ERISA) to streamline step therapy protocols and require exceptions to step therapy requirements so that people with epilepsy can access the most effective medications in a timely manner.

BACKGROUND
Step therapy, or fail first, is a process that requires individuals who have been prescribed a medication by their healthcare provider to try and fail one or more medication(s) preferred by the insurer before receiving the originally prescribed drug.

There is no “one size fits all” treatment option for epilepsy, and the response to epilepsy medications can be different for each person. People with epilepsy who are forced to fail on one or more medications other than those prescribed by their physician by step therapy requirements are at a higher risk for developing breakthrough seizures and related complications, including death.

The Safe Step Act does not ban the use of step therapy, but instead requires exemptions from step therapy protocols for people who are currently stable on their medication regime, who have already failed or had an adverse reaction to the treatment, or for whom the step is contraindicated. The legislation will also give healthcare providers and people with epilepsy a transparent and standardized process to appeal step therapy requirements when a particular treatment is needed.

ABOUT EPILEPSY
Epilepsy is a disease or disorder of the brain which causes reoccurring seizures. Epilepsy is made up of many different types of seizures or syndromes, affects people throughout the lifespan, and can have many different causes and associated conditions.

3.4 million Americans live with active epilepsy. While some are able to gain seizure control, 30-40% of people with epilepsy live with uncontrolled seizures despite available treatments. Delayed recognition of seizures and inadequate treatment increase a person’s risk of subsequent seizures, brain damage, disability, and death. Epilepsy imposes an annual economic burden of $19.4 billion on the country.

More than 20 states have instituted step therapy protocol reform
12 states have introduced step therapy reform legislation in 2019
Up to 10x higher health care costs per year for patients with uncontrolled epilepsy

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