



June 22, 2017

Dear Senator:

On behalf of the Epilepsy Foundation, I write in opposition to the American Health Care Act (AHCA) and the slightly amended Senate version, the Better Care Reconciliation Act (BCRA). These bills would both radically change the Medicaid program and undermine many of the patient protections that have led to meaningful access to care for many Americans with epilepsy and other complex chronic conditions. Tens of millions of people have gained access to comprehensive and more affordable health care with enactment and implementation of the Affordable Care Act (ACA). Individuals who previously faced considerable challenges when trying to obtain quality health care coverage were finally able to see a physician and afford medical care, including medications, for complex, chronic conditions. Further, we are particularly concerned about proposed changes to the Medicaid program beyond the expansion created by the ACA and hope you will reconsider the changes to Medicaid in the bill. The AHCA and the BCRA would significantly erode this critical health care safety net for millions of children and adults – especially those living with disabilities. More than a third of those living with epilepsy rely on Medicaid for their health care. Structural changes to the Medicaid program should be given full, independent consideration and must not put beneficiaries at risk of not receiving the necessary care that all Americans deserve.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of more than 3 million Americans with epilepsy and seizures. We foster the wellbeing of children and adults affected by seizures through research programs, educational activities, advocacy, and direct services. Epilepsy is a medical condition that produces seizures affecting a variety of mental and physical functions.

The Epilepsy Foundation is specifically opposed to the provisions in the House-passed AHCA and the BCRA that would allow states to opt out of requiring insurers to provide Essential Health Benefits (EHBs), which include prescription drugs, hospitalizations, and emergency services. Waiving EHB requirements would mean a return to the days of annual and lifetime limits on coverage, and insurers could again design plans to exclude coverage for services essential to people living with complex chronic conditions. We are also concerned about any proposals that would eliminate additional patient protections created under Title I of the ACA that are intended to limit insurers' ability to deny coverage and shift cost-sharing to beneficiaries.

Additionally, we urge you to reject proposals that would restructure federal funding for the Medicaid program. Implementation of a per capita cap system would result in a substantial reduction in federal funding to the state Medicaid programs. States would be forced to either make up the difference with their own funds or cut their programs by reducing the number of people they serve and the health benefits they cover. These caps would be devastating to children and adults with disabilities and/or significant medical conditions or costs, including many with epilepsy. As previously highlighted, Medicaid currently provides lifesaving medications and health care services to more than one third of people with epilepsy.

Federal funding caps and proposals in AHCA and the BCRA also threaten the Medicaid expansion, which has benefited millions of people living with chronic conditions. These individuals often could not gain coverage because of pre-existing conditions, exorbitant costs, and mandatory waiting periods before they could gain coverage via a high-risk pool or Medicare. The proposed financing reforms are a fundamental shift away from Medicaid's role as a safety net for some of the most vulnerable members of our society. Repealing Medicaid expansion would leave millions without the health care they rely on. Without appropriate health care, people living with epilepsy and chronic conditions will not be able to live well, productive lives.

Some individuals who rely on plans offered in the ACA Marketplace still face high cost-sharing when trying to access prescription medications and services, and we have advocated for stronger patient protections with CMS over the years. The AHCA and the BCRA proposals would exacerbate these challenges by weakening patient protections and shifting cost-sharing to people with low incomes and those living with complex chronic conditions and disabilities. We urge you to stand with the epilepsy community and ensure that the gains in meaningful access to quality and comprehensive health care and the Medicaid safety net for the most vulnerable Americans are not withdrawn. Please reject the dangerous provisions in these bills that threaten access to care for people with epilepsy. If you have any questions or concerns, please contact Angela Ostrom, Chief Legal Officer & Vice President Public Policy at [aostrom@efa.org](mailto:aostrom@efa.org) or 301-918-3766.

Sincerely,

A handwritten signature in black ink that reads "Philip M. Gattone". The signature is written in a cursive, flowing style.

Philip M. Gattone, M.Ed.  
President & CEO  
Epilepsy Foundation